SENATE JOURNAL

STATE OF ILLINOIS

NINETY-SECOND GENERAL ASSEMBLY

77TH LEGISLATIVE DAY

THURSDAY, MARCH 7, 2002

10:00 O'CLOCK A.M.

No. 77
[Mar. 7, 2002]

The Senate met pursuant to adjournment.
Honorable James "Pate" Philip, Wood Dale, Illinois, presiding.
Prayer by Reverend Michael Deutsch, First Baptist Church of Ashland, Ashland, Illinois.
Senator Hawkinson led the Senate in the Pledge of Allegiance.

The Journal of Wednesday, March 6, 2002, was being read when on motion of Senator W. Jones further reading of same was dispensed with and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

REPORT RECEIVED

The Secretary placed before the Senate the following report:

A report on the Bonded Indebtedness and Long Term Obligations, Fiscal Year 2001, submitted by the Office of the Comptroller.

The foregoing report was ordered received and placed on file in the Secretary's Office.

READING BILL FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 3196, sponsored by Senator Radogno was taken up, read by title a first time and referred to the Committee on Rules.

REPORTS FROM STANDING COMMITTEES

Senator Lauzen, Chairperson of the Committee on Commerce and Industry to which was referred **Senate Bill No. 1557** reported the same back with the recommendation that the bill do pass.
Under the rules, the bill was ordered to a second reading.

Senator Lauzen, Chairperson of the Committee on Commerce and Industry to which was referred **Senate Bill No. 1812** reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.
Under the rules, the bill was ordered to a second reading.

Senator Klemm, Chairperson of the Committee on Executive to which was referred **Senate Bills numbered 1556, 1565, 1649, 1706, 1756, 1904, 2029, 2052, 2118, 2204, 2216, 2217, 2218, 2219, 2220, 2272, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2295, 2296, 2297, 2298, 2299, 2300, 2304, 2311, 2313, 2314, 2315 and 2316** reported the same back with the recommendation that the bills do pass.
Under the rules, the bills were ordered to a second reading.

Senator Klemm, Chairperson of the Committee on Executive to which was referred **Senate Bills numbered 1582, 1583, 1838, 1882, 1982, 2117, 2130, 2232, 2268, 2294, 2301 and 2312** reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.
Under the rules, the bills were ordered to a second reading.

Senator Klemm, Chairperson of the Committee on Executive, to which was referred **House Joint Resolution No. 54** reported the same back with the recommendation that the resolution be adopted.

Under the rules, **House Joint Resolution 54** was placed on the Secretary's Desk.

Senator O'Malley, Chairperson of the Committee on Financial Institutions to which was referred **Senate Bill No. 1713** reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

Under the rules, the bill was ordered to a second reading.

Senator Burzynski, Chairperson of the Committee on Licensed Activities to which was referred **Senate Bills numbered 1558, 1622 and 1687** reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

Senator Peterson, Chairperson of the Committee on Revenue to which was referred **Senate Bills numbered 1760, 1932, 1948, 2037, 2210, 2252, 2255, 2256, 2257, 2258, 2259, 2260 and 2319** reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Peterson, Chairperson of the Committee on Revenue to which was referred **Senate Bills numbered 1543 and 2227** reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

Senator Bomke, Chairperson of the Committee on State Government Operations to which was referred **Senate Bill No. 1782** reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

Under the rules, the bill was ordered to a second reading.

At the hour of 10:40 o'clock a.m., Senator Dudycz presiding.

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator L. Walsh, **Senate Bill No. 1552** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, **Senate Bill No. 1566** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, **Senate Bill No. 1569** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Environment and Energy, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1569 by replacing everything after the enacting clause with the following:

"Section 5. The Public Utilities Act is amended by changing Sections 16-120 and 16-122 as follows:

(220 ILCS 5/16-120)

Sec. 16-120. Development of competitive market; Commission study and reports; investigation.

(a) On or before December 31, 1999 and once every 3 years thereafter, the Commission shall monitor and analyze patterns of entry and exit, applications for entry and exit, and any barriers to entry or participation that may exist, for services provided under this Article; shall analyze any impediments to the establishment of a fully competitive energy and power market in Illinois; and shall include its findings together with appropriate recommendations for legislative action in a report to the General Assembly.

(b) Beginning in 2001, and ending in 2006, the Commission shall prepare an annual report regarding the development of electricity markets in Illinois which shall be filed by April 1 of each year with the Joint Committee on Legislative Support Services of the General Assembly and the Governor and which shall be publicly available. Such report shall include, at a minimum, the following information:

(1) the aggregate annual peak demand of retail customers in the State of Illinois in the preceding calendar year;

(2) the total annual kilowatt-hours delivered and sold to retail customers in the State of Illinois by each electric utility within its own service territory, each electric utility outside its service territory, and alternative retail electric suppliers in the preceding calendar year;

(3) the percentage of the total kilowatt-hours delivered and sold to retail customers in the State of Illinois in the preceding calendar year by each electric utility within its service territory, each electric utility outside its service territory, and each alternative retail electric supplier; and

(4) any other information the Commission considers significant in assessing the development of Illinois electricity markets, which may include, to the extent available, information similar to that described in items 1, 2 and 3 with respect to cogeneration, self-generation and other sources of electric power and energy provided to customers that do not take delivery services or bundled electric utility services.

The Commission may also include such other information as it deems to be necessary or beneficial in describing or explaining the results of its Report. The Report required by this Section shall be adopted by a vote of the full Commission prior to filing. Proprietary or confidential information shall not be disclosed publicly. Nothing contained in this Section shall prohibit the Commission from taking actions that would otherwise be allowed under this Act.

(c) The Commission shall prepare a report on the value of municipal aggregation of electricity customers. The report shall be filed with the General Assembly and the Governor no later than January 15, 2003 and shall be publicly available. The report shall, at a minimum, include:

(1) a description and analysis of actual and potential forms of aggregation of electricity customers in Illinois and in the other states, including aggregation through municipal, affinity, and other organizations;

(2) estimates of the potential benefits of municipal aggregation to Illinois electricity customers in at least 5 specific municipal examples comparing their costs under bundled rates and unbundled rates, including real-time prices;

(3) a description of the barriers to municipal and other forms of aggregation in Illinois, including legal, economic, informational, and other barriers; and

(4) options for legislative action to foster municipal and

other forms of aggregation of electricity customers.

In preparing the report, the Commission shall consult with persons involved in aggregation or the study of aggregation of electricity customers in Illinois, including utilities, aggregators, and non-profit organizations. The provisions of Section 16-122 notwithstanding, the Commission may request and utilities shall provide such aggregated load data as may be necessary to perform the analyses required by this subsection.

(Source: P.A. 90-561, eff. 12-16-97.)

(220 ILCS 5/16-122)

Sec. 16-122. Customer information.

(a) Upon the request of a retail customer, or a person who presents verifiable authorization and is acting as the customer's agent, and payment of a reasonable fee, electric utilities shall provide to the customer or its authorized agent the customer's billing and usage data.

(b) Upon request from any alternative retail electric supplier and payment of a reasonable fee, an electric utility serving retail customers in its service area shall make available generic information concerning the usage, load shape curve or other general characteristics of customers by rate classification. Provided however, no customer specific billing, usage or load shape data shall be provided under this subsection unless authorization to provide such information is provided by the customer pursuant to subsection (a) of this Section.

(c) Upon request from a unit of local government and payment of a reasonable fee, an electric utility shall make available information concerning the usage, load shape curves, and other characteristics of customers by customer classification and location within the boundaries of the unit of local government, however, no customer specific billing, usage, or load shape data shall be provided under this subsection unless authorization to provide that information is provided by the customer.

(d) ~~(c)~~ All such customer information shall be made available in a timely fashion in an electronic format, if available.

(Source: P.A. 90-561, eff. 12-16-97.)

Section 99. Effective date. This Act takes effect upon becoming law.".

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Parker, **Senate Bill No. 1611** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Transportation, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1611 as follows:
on page 2, line 1 by replacing "January " with "July". and
on page 2 by replacing lines 7 through 11 with the following: "fingerprinted by a sheriff's department, local law enforcement or any agent of any State agency providing electronic fingerprint services in a form and manner prescribed by the Department of State Police. The Secretary of State shall prescribe the form and manner for the data provided to the Secretary of State from the fingerprint submission process. The applicant" and
on page 2, line 28 by inserting after the word "department" the following: ", local law enforcement or any agent of any State

agency" and
on page 2 in lines 33 and 34 by restoring the stricken language and removing the underscored. and
on page 3 by restoring the stricken language in lines 1 through 7.
on page 6, by replacing lines 8 and 9 with the following:
"Department, local law enforcement or agent of any State agency providing electronic fingerprint services and insuring electronic transmission" and
on page 6 by replacing lines 12 and 13 with the following:
"the Department of State Police as ~~that are~~ required for the".

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Parker, **Senate Bill No. 1623** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Parker, **Senate Bill No. 1638** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Judiciary, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1638 as follows:
by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Juvenile Drug Court Treatment Act.

Section 5. Purposes. The General Assembly recognizes that the use and abuse of drugs has a dramatic effect on the juvenile justice system in the State of Illinois. There is a critical need for a juvenile justice system program that will reduce the incidence of drug use, drug addiction, and crimes committed as a result of drug use and drug addiction. It is the intent of the General Assembly to create specialized drug courts with the necessary flexibility to meet the drug problems in the State of Illinois.

Section 10. Definitions. As used in this Act:

"Drug court", "drug court program", or "program" means an immediate and highly structured judicial intervention process for substance abuse treatment of eligible minors that brings together substance abuse professionals, local social programs, and intensive judicial monitoring in accordance with the nationally recommended 10 key components of drug courts.

"Drug court professional" means a judge, prosecutor, defense attorney, probation officer, or treatment provider involved with the drug court program.

"Pre-adjudicatory drug court program" means a program that allows the minor, with the consent of the prosecution, to expedite the minor's delinquency case and requires successful completion of the drug court program as part of the agreement.

"Post-adjudicatory drug court program" means a program in which the minor has admitted guilt or has been found guilty and agrees, along with the prosecution, to enter a drug court program as part of the minor's disposition.

"Combination drug court program" means a drug court program that includes a pre-adjudicatory drug court program and a post-adjudicatory drug court program.

Section 15. Authorization. The Chief Judge of each judicial circuit may establish a drug court program for minors

including the format under which it operates under this Act.

Section 20. Eligibility.

(a) A minor may be admitted into a drug court program only upon the agreement of the prosecutor and the minor and with the approval of the court.

(b) A minor shall be excluded from a drug court program if any of one of the following apply:

(1) The crime is a crime of violence as set forth in clause (4) of this subsection (b).

(2) The minor denies his or her use of or addiction to drugs.

(3) The minor does not demonstrate a willingness to participate in a treatment program.

(4) The minor has been adjudicated delinquent for a crime of violence within the past 10 years excluding incarceration time, including but not limited to: first degree murder, second degree murder, predatory criminal sexual assault of a child, criminal sexual assault, armed robbery, aggravated arson, arson, aggravated kidnapping, kidnapping, aggravated battery resulting in great bodily harm or permanent disability, stalking, aggravated stalking, or any offense involving the discharge of a firearm.

Section 25. Procedure.

(a) The court shall order an eligibility screening and an assessment of the minor by an agent designated by the State of Illinois to provide assessment services for the Illinois Courts. An assessment need not be ordered if the court finds a valid assessment related to the present charge pending against the minor has been completed within the previous 60 days.

(b) The judge shall inform the minor that if the minor fails to meet the conditions of the drug court program, eligibility to participate in the program may be revoked and the minor may be sentenced or the prosecution continued as provided in the Juvenile Court Act of 1987 for the crime charged.

(c) The minor shall execute a written agreement as to his or her participation in the program and shall agree to all of the terms and conditions of the program, including but not limited to the possibility of sanctions or incarceration for failing to abide or comply with the terms of the program.

(d) In addition to any conditions authorized under Sections 5-505, 5-710, and 5-715, the court may order the minor to complete substance abuse treatment in an outpatient, inpatient, residential, or detention-based custodial treatment program. Any period of time a minor shall serve in a detention-based treatment program may not be reduced by the accumulation of good time or other credits and may be for a period of up to 120 days.

(e) The drug court program shall include a regimen of graduated requirements and rewards and sanctions, including but not limited to: fines, costs, restitution, public service employment, incarceration of up to 120 days, individual and group therapy, drug analysis testing, close monitoring by the court at a minimum of once every 30 days and supervision of progress, educational or vocational counseling as appropriate, and other requirements necessary to fulfill the drug court program.

Section 30. Substance abuse treatment.

(a) The drug court program shall maintain a network of substance abuse treatment programs representing a continuum of graduated substance abuse treatment options commensurate with the needs of minors.

(b) Any substance abuse treatment program to which minors are referred must meet all of the rules and governing programs in Parts 2030 and 2060 of Title 77 of the Illinois Administrative Code.

(c) The drug court program may, at its discretion, employ additional services or interventions, as it deems necessary on a case by case basis.

Section 35. Violation; termination; discharge.

(a) If the court finds from the evidence presented including but not limited to the reports or proffers of proof from the drug court professionals that:

(1) the minor is not performing satisfactorily in the assigned program;

(2) the minor is not benefitting from education, treatment, or rehabilitation;

(3) the minor has engaged in criminal conduct rendering him or her unsuitable for the program; or

(4) the minor has otherwise violated the terms and conditions of the program or his or her dispositional order or is for any reason unable to participate;

the court may impose reasonable sanctions under prior written agreement of the minor, including but not limited to imprisonment or dismissal of the minor from the program and the court may reinstate juvenile proceedings against him or her or proceed under Section 5-720 of the Juvenile Court Act of 1987 for a violation of probation, conditional discharge, or supervision hearing.

(b) Upon successful completion of the terms and conditions of the program by the minor, the court may dismiss the original charges against the minor or successfully terminate the minor's sentence or otherwise discharge him or her from any further proceedings against him or her in the original prosecution.

Section 105. The Juvenile Court Act of 1987 is amended by changing Section 1-5 as follows:

(705 ILCS 405/1-5) (from Ch. 37, par. 801-5)

Sec. 1-5. Rights of parties to proceedings.

(1) Except as provided in this Section and paragraph (2) of Sections 2-22, 3-23, 4-20, 5-610 or 5-705, the minor who is the subject of the proceeding and his parents, guardian, legal custodian or responsible relative who are parties respondent have the right to be present, to be heard, to present evidence material to the proceedings, to cross-examine witnesses, to examine pertinent court files and records and also, although proceedings under this Act are not intended to be adversary in character, the right to be represented by counsel. At the request of any party financially unable to employ counsel, with the exception of a foster parent permitted to intervene under this Section, the court shall appoint the Public Defender or such other counsel as the case may require. Counsel appointed for the minor and any indigent party shall appear at all stages of the trial court proceeding, and such appointment shall continue through the permanency hearings and termination of parental rights proceedings subject to withdrawal or substitution pursuant to Supreme Court Rules or the Code of Civil Procedure. Following the dispositional hearing, the court may require appointed counsel, other than counsel for the minor or counsel for the guardian ad litem, to withdraw his or her appearance upon failure of the party for whom counsel was appointed under this Section to attend any subsequent proceedings.

No hearing on any petition or motion filed under this Act may be commenced unless the minor who is the subject of the proceeding is

represented by counsel. Each adult respondent shall be furnished a written "Notice of Rights" at or before the first hearing at which he or she appears.

(1.5) The Department shall maintain a system of response to inquiry made by parents or putative parents as to whether their child is under the custody or guardianship of the Department; and if so, the Department shall direct the parents or putative parents to the appropriate court of jurisdiction, including where inquiry may be made of the clerk of the court regarding the case number and the next scheduled court date of the minor's case. Effective notice and the means of accessing information shall be given to the public on a continuing basis by the Department.

(2) (a) Though not appointed guardian or legal custodian or otherwise made a party to the proceeding, any current or previously appointed foster parent or relative caregiver, or representative of an agency or association interested in the minor has the right to be heard by the court, but does not thereby become a party to the proceeding.

In addition to the foregoing right to be heard by the court, any current foster parent or relative caregiver of a minor and the agency designated by the court or the Department of Children and Family Services as custodian of the minor who is alleged to be or has been adjudicated an abused or neglected minor under Section 2-3 or a dependent minor under Section 2-4 of this Act has the right to and shall be given adequate notice at all stages of any hearing or proceeding under this Act.

Any foster parent or relative caregiver who is denied his or her right to be heard under this Section may bring a mandamus action under Article XIV of the Code of Civil Procedure against the court or any public agency to enforce that right. The mandamus action may be brought immediately upon the denial of those rights but in no event later than 30 days after the foster parent has been denied the right to be heard.

(b) If after an adjudication that a minor is abused or neglected as provided under Section 2-21 of this Act and a motion has been made to restore the minor to any parent, guardian, or legal custodian found by the court to have caused the neglect or to have inflicted the abuse on the minor, a foster parent may file a motion to intervene in the proceeding for the sole purpose of requesting that the minor be placed with the foster parent, provided that the foster parent (i) is the current foster parent of the minor or (ii) has previously been a foster parent for the minor for one year or more, has a foster care license or is eligible for a license, and is not the subject of any findings of abuse or neglect of any child. The juvenile court may only enter orders placing a minor with a specific foster parent under this subsection (2)(b) and nothing in this Section shall be construed to confer any jurisdiction or authority on the juvenile court to issue any other orders requiring the appointed guardian or custodian of a minor to place the minor in a designated foster home or facility. This Section is not intended to encompass any matters that are within the scope or determinable under the administrative and appeal process established by rules of the Department of Children and Family Services under Section 5(o) of the Children and Family Services Act. Nothing in this Section shall relieve the court of its responsibility, under Section 2-14(a) of this Act to act in a just and speedy manner to reunify families where it is the best interests of the minor and the child can be cared for at home without endangering the child's health or safety and, if reunification is not in the best interests of the minor, to find another permanent home for the minor. Nothing in this Section, or in

any order issued by the court with respect to the placement of a minor with a foster parent, shall impair the ability of the Department of Children and Family Services, or anyone else authorized under Section 5 of the Abused and Neglected Child Reporting Act, to remove a minor from the home of a foster parent if the Department of Children and Family Services or the person removing the minor has reason to believe that the circumstances or conditions of the minor are such that continuing in the residence or care of the foster parent will jeopardize the child's health and safety or present an imminent risk of harm to that minor's life.

(c) If a foster parent has had the minor who is the subject of the proceeding under Article II in his or her home for more than one year on or after July 3, 1994 and if the minor's placement is being terminated from that foster parent's home, that foster parent shall have standing and intervenor status except in those circumstances where the Department of Children and Family Services or anyone else authorized under Section 5 of the Abused and Neglected Child Reporting Act has removed the minor from the foster parent because of a reasonable belief that the circumstances or conditions of the minor are such that continuing in the residence or care of the foster parent will jeopardize the child's health or safety or presents an imminent risk of harm to the minor's life.

(d) The court may grant standing to any foster parent if the court finds that it is in the best interest of the child for the foster parent to have standing and intervenor status.

(3) Parties respondent are entitled to notice in compliance with Sections 2-15 and 2-16, 3-17 and 3-18, 4-14 and 4-15 or 5-525 and 5-530, as appropriate. At the first appearance before the court by the minor, his parents, guardian, custodian or responsible relative, the court shall explain the nature of the proceedings and inform the parties of their rights under the first 2 paragraphs of this Section.

If the child is alleged to be abused, neglected or dependent, the court shall admonish the parents that if the court declares the child to be a ward of the court and awards custody or guardianship to the Department of Children and Family Services, the parents must cooperate with the Department of Children and Family Services, comply with the terms of the service plans, and correct the conditions that require the child to be in care, or risk termination of their parental rights.

Upon an adjudication of wardship of the court under Sections 2-22, 3-23, 4-20 or 5-705, the court shall inform the parties of their right to appeal therefrom as well as from any other final judgment of the court.

When the court finds that a child is an abused, neglected, or dependent minor under Section 2-21, the court shall admonish the parents that the parents must cooperate with the Department of Children and Family Services, comply with the terms of the service plans, and correct the conditions that require the child to be in care, or risk termination of their parental rights.

When the court declares a child to be a ward of the court and awards guardianship to the Department of Children and Family Services under Section 2-22, the court shall admonish the parents, guardian, custodian, or responsible relative that the parents must cooperate with the Department of Children and Family Services, comply with the terms of the service plans, and correct the conditions that require the child to be in care, or risk termination of their parental rights.

(4) No sanction may be applied against the minor who is the subject of the proceedings by reason of his refusal or failure to testify in the course of any hearing held prior to final adjudication

under Section 2-22, 3-23, 4-20 or 5-705.

(5) In the discretion of the court, the minor may be excluded from any part or parts of a dispositional hearing and, with the consent of the parent or parents, guardian, counsel or a guardian ad litem, from any part or parts of an adjudicatory hearing.

(6) The general public except for the news media and the victim shall be excluded from any hearing and, except for the persons specified in this Section only persons, including representatives of agencies and associations, who in the opinion of the court have a direct interest in the case or in the work of the court shall be admitted to the hearing. However, the court may, for the minor's safety and protection and for good cause shown, prohibit any person or agency present in court from further disclosing the minor's identity. Nothing in this subsection (6) prevents the court from allowing other juveniles to be present or to participate in a court session being held under the Juvenile Drug Court Treatment Act.

(7) A party shall not be entitled to exercise the right to a substitution of a judge without cause under subdivision (a)(2) of Section 2-1001 of the Code of Civil Procedure in a proceeding under this Act if the judge is currently assigned to a proceeding involving the alleged abuse, neglect, or dependency of the minor's sibling or half sibling and that judge has made a substantive ruling in the proceeding involving the minor's sibling or half sibling.
(Source: P.A. 90-27, eff. 1-1-98; 90-28, eff. 1-1-98; 90-590, eff. 1-1-99; 90-608, eff. 6-30-98; 91-357, eff. 7-29-99.)".

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Roskam, **Senate Bill No. 1642** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, **Senate Bill No. 1645** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Roskam, **Senate Bill No. 1646** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Judiciary, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1646 as follows:
on page 3, line 33, by changing "or decrypting," to "decrypting,"; and
on page 4, line 8, by deleting "for sale"; and
on page 4, line 12, by inserting "protect" after "to"; and
on page 5, line 5, by inserting "lease, use, or distribution" after "sale,"; and
on page 8, line 3, by inserting "or recipient" after "purchaser"; and
on page 9, line 21, by deleting "not the jury,".

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Bomke, **Senate Bill No. 1657** having been printed, was taken up, read by title a second time and ordered to a

third reading.

On motion of Senator O'Malley, **Senate Bill No. 1661** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator O'Malley, **Senate Bill No. 1662** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator O'Malley, **Senate Bill No. 1663** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, **Senate Bill No. 1679** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Dillard, **Senate Bill No. 1697** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Judiciary, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1697 by replacing everything after the enacting clause with the following:

"Section 5. The Trusts and Trustees Act is amended by adding Section 5.3 as follows:

(760 ILCS 5/5.3 new)

Sec. 5.3. Total return trusts.

(a) Conversion. A trustee may convert a trust into a total return trust as described in this Section if all of the following apply:

(1) the trust describes the amount that may or must be distributed to a beneficiary by referring to the trust's income, and the trustee determines that conversion to a total return trust will enable the trustee to better carry out the purposes of the trust;

(2) conversion to a total return trust means the trustee will invest and manage trust assets as a prudent investor seeking a total return without regard to whether that return is from income or appreciation of principal, and will make distributions in accordance with this Section (such a trust is called a "total return trust");

(3) the trustee sends written notice of the trustee's decision to convert the trust into a total return trust as of a specified effective date, along with a copy of this Section, to:

(A) all of the legally competent beneficiaries who are currently receiving or eligible to receive income from the trust; and

(B) all of the legally competent beneficiaries who would receive or be eligible to receive, assuming nonexercise of all powers of appointment, a distribution of principal if the trust were to terminate immediately before the sending of the notice;

(4) there are one or more income beneficiaries under subdivision (3)(A) of this subsection (a) and one or more remainder beneficiaries under subdivision (3)(B) of this subsection (a), determined as of the date of sending the notice; and

(5) no such beneficiary objects to the conversion to a total return trust in a writing delivered to the trustee within 60 days after the notice is sent.

(b) Judicially approved conversion.

(1) The trustee may petition the court to order the conversion to a total return trust if any of the following apply:

(A) a beneficiary timely objects to the conversion to a total return trust;

(B) there are no legally competent beneficiaries described in subdivision (3)(A) of subsection (a);

(C) there are no legally competent beneficiaries described in subdivision (3)(B) of subsection (a); or

(D) the trustee elects for any reason to petition the court to approve conversion to a total return trust.

(2) A beneficiary may request a trustee to convert to a total return trust. If the trustee declines or fails to act within a reasonable time after receiving a written request to do so, the beneficiary may petition the court to order the conversion.

(3) The court shall order conversion to a total return trust if the court determines that the conversion will enable the trustee to better carry out the purposes of the trust.

(4) Notwithstanding any other provision of this Section, a trustee has no duty to inform beneficiaries about the availability of this Section and has no duty to review the trust to determine whether any action should be taken under this Section unless requested to do so in writing by a beneficiary described in subdivision (3) of subsection (a).

(5) A trustee may irrevocably release the power granted by this Section if the trustee reasonably believes the release is in the best interests of the trust and its beneficiaries. The release may be personal to the releasing trustee or may apply generally to some or all subsequent trustees, and the release may be for any specified period, including a period measured by the life of an individual.

(6) Conversion to a total return trust may be made by agreement between a trustee and all the primary beneficiaries of the trust under the virtual representation provisions of Section 16.1 of this Act if those provisions apply. The agreement may include any actions a court could properly order under subsection (f); however, any distribution percentage determined by the agreement may not be less than 3% nor greater than 5%.

(c) Post conversion. After a trust is converted to a total return trust, all of the following apply:

(1) the trustee shall make income distributions in accordance with the governing instrument subject to the provisions of this Section;

(2) the term "income" in the governing instrument means an annual amount (the "distribution amount") equal to a percentage (the "distribution percentage") of the net fair market value of the trust's assets, whether the assets are considered income or principal under the Principal and Income Act, averaged over the lesser of:

(i) the 3 preceding years; or

(ii) the period during which the trust has been in existence;

(3) the distribution percentage for any trust converted to a total return trust by a trustee in accordance with subsection (a) shall be 4%; and

(4) the trustee shall pay to a beneficiary (in the case of

an underpayment) and shall recover from a beneficiary (in the case of an overpayment) an amount equal to the difference between the amount properly payable and the amount actually paid.

(d) Administration. The trustee, in the trustee's discretion, may determine any of the following matters in administering a total return trust as the trustee from time to time reasonably determines necessary or helpful for the proper functioning of the trust:

(1) the effective date of a conversion to a total return trust;

(2) the manner of prorating the distribution amount for a short year in which a beneficiary's interest commences or ceases;

(3) whether distributions are made in cash or in kind;

(4) the manner of adjusting valuations and calculations of the distribution amount to account for other payments from or contributions to the trust;

(5) whether to value the trust's assets annually or more frequently;

(6) what valuation dates and how many valuation dates to use;

(7) how frequently to value any asset for which there is no readily available market value, whether and how often to engage a professional appraiser to value such an asset, and whether to decide both to exclude such an asset from valuation and to distribute any net income received from such an asset in accordance with the governing instrument;

(8) whether to omit from valuation any tangible or real property occupied or possessed by a beneficiary; and

(9) any other administrative matters as the trustee determines necessary or helpful for the proper functioning of the total return trust.

(e) Allocation.

(1) Expenses and charges that would be deducted from income if the trust were not a total return trust may not be deducted from the distribution amount.

(2) Unless otherwise provided by the governing instrument, the trustee shall fund the distribution amount each year from the following sources for that year in the order listed: first from net income (as the term would be determined if the trust were not a total return trust), then from other ordinary income as determined for federal income tax purposes, then from net realized short-term capital gains as determined for federal income tax purposes, then from net realized long-term capital gains as determined for federal income tax purposes, and then from trust principal.

(f) Court orders. The court may order any of the following actions in a proceeding brought by a trustee in accordance with subdivision (b)(1) or by a beneficiary in accordance with subdivision (b)(2):

(1) select a distribution percentage other than 4%;

(2) average the valuation of the trust's net assets over a period other than 3 years;

(3) reconvert from a total return trust;

(4) direct the distribution of net income (determined as if the trust were not a total return trust) in excess of the distribution amount as to any or all trust assets if the distribution is necessary to preserve a tax benefit; or

(5) change or direct any administrative procedure as the court determines necessary or helpful for the proper functioning of the total return trust.

(g) Restrictions. The distribution amount may not be less than

the net income of the trust, determined without regard to the provisions of this Section, for either a trust for which an estate tax or a gift tax marital deduction was or may be claimed in whole or in part (but only during the lifetime of the spouse for whom the trust was created), or a trust that is exempt from generation-skipping transfer tax by reason of any effective date or transition rule. Conversion to a total return trust does not affect any provision in the governing instrument:

(1) directing or authorizing the trustee to distribute principal;

(2) directing or authorizing the trustee to distribute a fixed annuity or a fixed fraction of the value of trust assets;

(3) authorizing a beneficiary to withdraw a portion or all of the principal; or

(4) in any manner that would diminish an amount permanently set aside for charitable purposes under the governing instrument unless both income and principal are so set aside.

(h) Tax limitations. If a particular trustee is a beneficiary of the trust and conversion or failure to convert would enhance or diminish the beneficial interest of the trustee, or if possession or exercise of the conversion power by a particular trustee would alone cause any individual to be treated as owner of a part of the trust for income tax purposes or cause a part of the trust to be included in the gross estate of any individual for estate tax purposes, then that particular trustee may not participate as a trustee in the exercise of the conversion power; however:

(1) the trustee may petition the court under subdivision (b)(1) to order conversion in accordance with this Section; and

(2) if the trustee has one or more co-trustees to whom this subsection (h) does not apply, the co-trustee or co-trustees may convert the trust to a total return trust in accordance with this Section.

(i) Remedies. A trustee who reasonably and in good faith takes or omits to take any action under this Section is not liable to any person interested in the trust, regardless of whether the person received written notice as provided in this Section and regardless of whether the person was under a legal disability at the time of the action or inaction. If a trustee reasonably and in good faith takes or omits to take any action under this Section and a person interested in the trust opposes the act or omission, the person's exclusive remedy is to obtain an order of the court directing the trustee to convert the trust to a total return trust, to reconvert from a total return trust, to change the distribution percentage, or to order any administrative procedures the court determines necessary or helpful for the proper functioning of the trust. An act or omission by a trustee under this Section is presumed taken or omitted reasonably and in good faith unless it is proven by clear and convincing evidence to have been an abuse of discretion. Any claim by any person interested in the trust that an act or omission by a trustee under this Section was an abuse of discretion is barred if not asserted in a proceeding commenced by or on behalf of the person within 2 years after the trustee has sent to the person an accounting or report in writing sufficiently disclosing facts fundamental to the claim such that the person knew or reasonably should have known of the claim.

(j) Application. This Section is available to trusts in existence on the effective date of this amendatory Act of the 92nd General Assembly or created after that date. This Section shall be construed as pertaining to the administration of a trust and shall be available to any trust administered in Illinois under Illinois law or

for which the meaning and effect of its terms are governed by Illinois law unless:

(1) the trust is a trust described in Internal Revenue Code Section 170(f)(2)(B), 664(d), 1361(d), 2702(a)(3) or 2702(b); or

(2) the governing instrument expressly prohibits use of this Section by specific reference to this Section. A provision in the governing instrument in the form: "Neither the provisions of Section 5.3 of the Trusts and Trustees Act nor any corresponding provision of future law may be used in the administration of this trust" or a similar provision reflecting that intent is sufficient to preclude the use of this Section.

Section 99. Effective date. This Act takes effect upon becoming law.".

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator DeLeo, **Senate Bill No. 1701** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sieben, **Senate Bill No. 1707** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Education, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1707 as follows:
on page 1, line 8, by replacing "3" with "4"; and
on page 1, by replacing lines 22 and 23 with the following:
"teacher's mentor and shall not teach in place of a certified teacher. The holder of a resident teacher certificate shall be deemed to have satisfied the requirements for the issuance of a Standard Teaching Certificate if he or she has completed 4 years of successful teaching, has passed all appropriate tests, and has earned a master's degree in education.".

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator del Valle, **Senate Bill No. 1717** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Petka, **Senate Bill No. 1721** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hawkinson, **Senate Bill No. 1726** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Transportation, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1726 as follows:
on page 1, line 5, by replacing "Section" with "Sections 6-301 and"; and
on page 1, by inserting between lines 5 and 6 the following:

"(625 ILCS 5/6-301) (from Ch. 95 1/2, par. 6-301)
Sec. 6-301. Unlawful use of license or permit.
(a) It is a violation of this Section for any person:
1. To display or cause to be displayed or have in his possession any cancelled, revoked or suspended license or permit;
2. To lend his license or permit to any other person or knowingly allow the use thereof by another;
3. To display or represent as his own any license or permit issued to another;
4. To fail or refuse to surrender to the Secretary of State or his agent or any peace officer upon his lawful demand, any license or permit, which has been suspended, revoked or cancelled;
5. To allow any unlawful use of a license or permit issued to him;
6. To submit to an examination or to obtain the services of another person to submit to an examination for the purpose of obtaining a drivers license or permit for some other person.
(b) Sentence.
1. Any person convicted of a violation of this Section shall be guilty of a Class A misdemeanor and shall be sentenced to a minimum fine of $500 or 50 hours of community service, preferably at an alcohol abuse prevention program, if available.
2. Any person convicted of a second or subsequent violation of this Section shall be guilty of a Class 4 felony.
3. In addition to any other sentence imposed under paragraph 1 or 2 of this subsection (b), a person convicted of a violation of paragraph 6 of subsection (a) shall be imprisoned for not less than 7 days.
(c) This Section does not prohibit any lawfully authorized investigative, protective, law enforcement or other activity of any agency of the United States, State of Illinois or any other state or political subdivision thereof.
(d) This Section does not apply to licenses and permits invalidated under Section 6-301.3 of this Code.
(Source: P.A. 88-197; 88-210; 88-670, eff. 12-2-94.)"; and
on page 2, by replacing lines 9 through 11 with the following:
"~~Any person convicted of a violation of subsection 6 of Section 6-301 shall be guilty of a Class C misdemeanor and shall be imprisoned for not less than 7 days.~~".

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Noland, **Senate Bill No. 1752** having been printed, was taken up and read by title a second time.
The following amendment was offered in the Committee on Transportation, adopted and ordered printed:

AMENDMENT NO. 1
AMENDMENT NO. 1. Amend Senate Bill 1752 as follows:
on page 2, by replacing lines 16 through 18 with the following:
"(e) Every person convicted of violating this Section is guilty of a Class 2 ~~3~~ felony if the offense results in the death of a person. A person guilty of a Class 2 felony under this subsection (e), if sentenced to a term of imprisonment, shall be sentenced to a term of not less than 3 years and not more than 14 years."; and
on page 4, by replacing lines 6 through 8 with the following:
5. Every person convicted of violating this Section shall

be guilty of a Class 2 ~~3~~ felony if the offense results in the death of a person. A person guilty of a Class 2 felony under this paragraph 5, if sentenced to a term of imprisonment, shall be sentenced to a term of not less than 3 years and not more than 14 years.".

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Karpiel, **Senate Bill No. 1763** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Transportation, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1763 on page 1, line 18, by replacing "The" with "While the vehicle is transporting such a load, the"; and

on page 1, by replacing lines 30 and 31 with "farm vehicles ~~while transporting agricultural products to or from the original place of production~~.".

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Smith, **Senate Bill No. 1795** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Watson, **Senate Bill No. 1803** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Environment and Energy, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1803 by replacing everything after the enacting clause with the following:

"(30 ILCS 105/5.545 rep.)

Section 5. The State Finance Act is amended by repealing Section 5.545, as added by P.A. 92-486.

Section 10. The Environmental Protection Act is amended by changing Sections 58.3, 58.13, and 58.15 as follows:

(415 ILCS 5/58.3)

Sec. 58.3. Site Investigation and Remedial Activities Program; Brownfields Redevelopment Fund.

(a) The General Assembly hereby establishes by this Title a Site Investigation and Remedial Activities Program for sites subject to this Title. This program shall be administered by the Illinois Environmental Protection Agency under this Title XVII and rules adopted by the Illinois Pollution Control Board.

(b) (1) The General Assembly hereby creates within the State Treasury a special fund to be known as the Brownfields Redevelopment Fund, consisting of 2 programs to be known as the "Municipal Brownfields Redevelopment Grant Program" and the "Brownfields Redevelopment Loan Program", which shall be used and administered by the Agency as provided in Sections 58.13 and 58.15 of this Act and the rules adopted under those Sections. The Brownfields Redevelopment Fund ("Fund") shall contain moneys

transferred from the Response Contractors Indemnification Fund and other moneys made available for deposit into the Fund.

(2) The State Treasurer, ex officio, shall be the custodian of the Fund, and the Comptroller shall direct payments from the Fund upon vouchers properly certified by the Agency. The Treasurer shall credit to the Fund interest earned on moneys contained in the Fund. The Agency shall have the authority to accept, receive, and administer on behalf of the State any grants, gifts, loans, reimbursements or payments for services, or other moneys made available to the State from any source for purposes of the Fund. Those moneys shall be deposited into the Fund, unless otherwise required by the Environmental Protection Act or by federal law.

(3) Pursuant to appropriation, all moneys in the Fund shall be used by the Agency for the purposes set forth in subdivision (b)(4) of this Section and Sections 58.13 and 58.15 of this Act and to cover the Agency's costs of program development and administration under those Sections.

(4) The Agency shall have the power to enter into intergovernmental agreements with the federal government or the State, or any instrumentality thereof, for purposes of capitalizing the Brownfields Redevelopment Fund. Moneys on deposit in the Brownfields Redevelopment Fund may be used for the creation of reserve funds or pledged funds that secure the obligations of repayment of loans made pursuant to Section 58.15 of this Act. For the purpose of obtaining capital for deposit into the Brownfields Redevelopment Fund, the Agency may also enter into agreements with financial institutions and other persons for the purpose of selling loans and developing a secondary market for such loans. The Agency shall have the power to create and establish such reserve funds and accounts as may be necessary or desirable to accomplish its purposes under this subsection and to allocate its available moneys into such funds and accounts. Investment earnings on moneys held in the Brownfields Redevelopment Fund, including any reserve fund or pledged fund, shall be deposited into the Brownfields Redevelopment Fund.

(5) The Agency is authorized to administer funds made available to the Agency under federal law, including but not limited to the Small Business Liability and Brownfields Revitilization Act of 2002, related to brownfields cleanup and reuse in accordance with that law and this Title.

(Source: P.A. 91-36, eff. 6-15-99; 92-486, eff. 1-1-02.)

(415 ILCS 5/58.13)

Sec. 58.13. Municipal Brownfields Redevelopment Grant Program.

(a)(1) The Agency shall establish and administer a program of grants, to be known as the Municipal Brownfields Redevelopment Grant Program, to provide municipalities in Illinois with financial assistance to be used for coordination of activities related to brownfields redevelopment, including but not limited to identification of brownfields sites, site investigation and determination of remediation objectives and related plans and reports, and development of remedial action plans, and ~~but--not including---the~~ implementation of remedial action plans and remedial action completion reports. The plans and reports shall be developed in accordance with Title XVII of this Act.

(2) Grants shall be awarded on a competitive basis subject to availability of funding. Criteria for awarding grants shall include, but shall not be limited to the following:

(A) problem statement and needs assessment;

(B) community-based planning and involvement;
(C) implementation planning; and
(D) long-term benefits and sustainability.

(3) The Agency may give weight to geographic location to enhance geographic distribution of grants across this State.

(4) Grants shall be limited to a maximum of $240,000, and no municipality shall receive more than this amount ~~one-grant~~ under this Section.

(5) Grant amounts shall not exceed 70% of the project amount, with the remainder to be provided by the municipality as local matching funds.

(b) The Agency shall have the authority to enter into any contracts or agreements that may be necessary to carry out its duties or responsibilities under this Section. The Agency shall have the authority to adopt rules setting forth procedures and criteria for administering the Municipal Brownfields Redevelopment Grant Program. The rules adopted by the Agency may include but shall not be limited to the following:

(1) purposes for which grants are available;

(2) application periods and content of applications;

(3) procedures and criteria for Agency review of grant applications, grant approvals and denials, and grantee acceptance;

(4) grant payment schedules;

(5) grantee responsibilities for work schedules, work plans, reports, and record keeping;

(6) evaluation of grantee performance, including but not limited to auditing and access to sites and records;

(7) requirements applicable to contracting and subcontracting by the grantee;

(8) penalties for noncompliance with grant requirements and conditions, including stop-work orders, termination of grants, and recovery of grant funds;

(9) indemnification of this State and the Agency by the grantee; and

(10) manner of compliance with the Local Government Professional Services Selection Act.

(Source: P.A. 92-486, eff. 1-1-02.)

(415 ILCS 5/58.15)

Sec. 58.15. Brownfields Programs.

(A) Brownfields Redevelopment Loan Program.

(a) The Agency shall establish and administer a revolving loan program to be known as the "Brownfields Redevelopment Loan Program" for the purpose of providing loans to be used for site investigation, site remediation, or both, at brownfields sites. All principal, interest, and penalty payments from loans made under this subsection (A) ~~Section~~ shall be deposited into the Brownfields Redevelopment Fund and reused in accordance with this Section.

(b) General requirements for loans:

(1) Loans shall be at or below market interest rates in accordance with a formula set forth in regulations promulgated under subdivision (A)(c) ~~subsection (c)~~ of this subsection (A) ~~Section~~.

(2) Loans shall be awarded subject to availability of funding based on the order of receipt of applications satisfying all requirements as set forth in the regulations promulgated under subdivision (A)(c) ~~subsection (c)~~ of this subsection (A) ~~Section~~.

(3) The maximum loan amount under this subsection (A) ~~Section~~ for any one project is $1,000,000.

(4) In addition to any requirements or conditions placed on loans by regulation, loan agreements under the Brownfields Redevelopment Loan Program shall include the following requirements:

(A) the loan recipient shall secure the loan repayment obligation;

(B) completion of the loan repayment shall not exceed 15 ~~5~~ years or as otherwise prescribed by Agency rule; and

(C) loan agreements shall provide for a confession of judgment by the loan recipient upon default.

(5) Loans shall not be used to cover expenses incurred prior to the approval of the loan application.

(6) If the loan recipient fails to make timely payments or otherwise fails to meet its obligations as provided in this subsection (A) ~~Section~~ or implementing regulations, the Agency is authorized to pursue the collection of the amounts past due, the outstanding loan balance, and the costs thereby incurred, either pursuant to the Illinois State Collection Act of 1986 or by any other means provided by law, including the taking of title, by foreclosure or otherwise, to any project or other property pledged, mortgaged, encumbered, or otherwise available as security or collateral.

(c) The Agency shall have the authority to enter into any contracts or agreements that may be necessary to carry out its duties or responsibilities under this subsection (A) ~~Section~~. The Agency shall have the authority to promulgate regulations setting forth procedures and criteria for administering the Brownfields Redevelopment Loan Program. The regulations promulgated by the Agency for loans under this subsection (A) ~~Section~~ shall include, but need not be limited to, the following elements:

(1) loan application requirements;

(2) determination of credit worthiness of the loan applicant;

(3) types of security required for the loan;

(4) types of collateral, as necessary, that can be pledged for the loan;

(5) special loan terms, as necessary, for securing the repayment of the loan;

(6) maximum loan amounts;

(7) purposes for which loans are available;

(8) application periods and content of applications;

(9) procedures for Agency review of loan applications, loan approvals or denials, and loan acceptance by the loan recipient;

(10) procedures for establishing interest rates;

(11) requirements applicable to disbursement of loans to loan recipients;

(12) requirements for securing loan repayment obligations;

(13) conditions or circumstances constituting default;

(14) procedures for repayment of loans and delinquent loans including, but not limited to, the initiation of principal and interest payments following loan acceptance;

(15) loan recipient responsibilities for work schedules, work plans, reports, and record keeping;

(16) evaluation of loan recipient performance, including auditing and access to sites and records;

(17) requirements applicable to contracting and subcontracting by the loan recipient, including procurement requirements;

(18) penalties for noncompliance with loan requirements and conditions, including stop-work orders, termination, and recovery

of loan funds; and

(19) indemnification of the State of Illinois and the Agency by the loan recipient.

(d) Moneys in the Brownfields Redevelopment Fund may be used as a source of revenue or security for the principal and interest on revenue or general obligation bonds issued by the State or any political subdivision or instrumentality thereof, if the proceeds of those bonds will be deposited into the Fund.

(B) Brownfields Site Restoration Program.

(a) (1) The Agency, with the assistance of the Department of Commerce and Community Affairs, must establish and administer a program for the payment of remediation costs to be known as the Brownfields Site Restoration Program. The Agency, through the Program, shall provide Remediation Applicants with financial assistance for the investigation and remediation of abandoned or underutilized properties. The investigation and remediation shall be performed in accordance with this Title XVII of this Act.

(2) For each State fiscal year in which funds are made available to the Agency for payment under this subsection (B), the Agency must, subject to the availability of funds, allocate 20% of the funds to be available to Remediation Applicants within counties with populations over 2,000,000. The remaining funds must be made available to all other Remediation Applicants in the State.

(3) The Agency must not approve payment in excess of $750,000 to a Remediation Applicant for remediation costs incurred at a remediation site. Eligibility must be determined based on a minimum capital investment in the redevelopment of the site, and payment amounts must not exceed the net economic benefit to the State of the remediation project. In addition to these limitations, the total payment to be made to an applicant must not exceed an amount equal to 20% of the capital investment at the site.

(4) Only those remediation projects for which a No Further Remediation Letter is issued by the Agency after December 31, 2001 are eligible to participate in the Brownfields Site Restoration Program. The program does not apply to any sites that have received a No Further Remediation Letter prior to December 31, 2001 or for costs incurred prior to the Department of Commerce and Community Affairs approving a site eligible for the Brownfields Site Restoration Program.

(5) Brownfields Site Restoration Program funds shall be subject to availability of funding and distributed based on the order of receipt of applications satisfying all requirements as set forth in this Section.

(b) Prior to applying to the Agency for payment, a Remediation Applicant shall first submit to the Agency its proposed remediation costs. The Agency shall make a pre-application assessment, which is not to be binding upon the Department of Commerce and Community Affairs or upon future review of the project, relating only to whether the Agency has adequate funding to reimburse the applicant for the remediation costs if the applicant is found to be eligible for reimbursement of remediation costs. If the Agency determines that it is likely to have adequate funding to reimburse the applicant for remediation costs, the Remediation Applicant may then submit to the Department of Commerce and Community Affairs an application for review of eligibility. The Department must review the eligibility application to determine whether the Remediation Applicant is eligible for the payment. The application must be on forms

prescribed and provided by the Department of Commerce and Community Affairs. At a minimum, the application must include the following:

(1) Information identifying the Remediation Applicant and the site for which the payment is being sought and the date of acceptance into the Site Remediation Program.

(2) Information demonstrating that the site for which the payment is being sought is abandoned or underutilized property. "Abandoned property" means real property previously used for, or that has the potential to be used for, commercial or industrial purposes that reverted to the ownership of the State, a county or municipal government, or an agency thereof, through donation, purchase, tax delinquency, foreclosure, default, or settlement, including conveyance by deed in lieu of foreclosure; or privately owned property that has been vacant for a period of not less than 3 years from the time an application is made to the Department of Commerce and Community Affairs. "Underutilized property" means real property of which less than 35% of the commercially usable space of the property and improvements thereon are used for their most commercially profitable and economically productive uses.

(3) Information demonstrating that remediation of the site for which the payment is being sought will result in a net economic benefit to the State of Illinois. The "net economic benefit" must be determined based on factors including, but not limited to, the capital investment, the number of jobs created, the number of jobs retained if it is demonstrated the jobs would otherwise be lost, capital improvements, the number of construction-related jobs, increased sales, material purchases, other increases in service and operational expenditures, and other factors established by the Department of Commerce and Community Affairs. Priority must be given to sites located in areas with high levels of poverty, where the unemployment rate exceeds the State average, where an enterprise zone exists, or where the area is otherwise economically depressed as determined by the Department of Commerce and Community Affairs.

(4) An application fee in the amount set forth in subdivision (B)(c) for each site for which review of an application is being sought.

(c) The fee for eligibility reviews conducted by the Department of Commerce and Community Affairs under this subsection (B) is $1,000 for each site reviewed. The application fee must be made payable to the State of Illinois for deposit into the Brownfields Redevelopment Fund.

(d) Within 60 days after receipt by the Department of Commerce and Community Affairs of an application meeting the requirements of subdivision (B)(b), the Department of Commerce and Community Affairs must issue a letter to the applicant approving the application, approving the application with modifications, or disapproving the application. If the application is approved or approved with modifications, the Department of Commerce and Community Affairs' letter must also include its determination of the "net economic benefit" of the remediation project and the maximum amount of the payment to be made available to the applicant for remediation costs. The payment by the Agency under this subsection (B) must not exceed the "net economic benefit" of the remediation project, as determined by the Department of Commerce and Community Affairs.

(e) An application for a review of remediation costs must not be submitted to the Agency unless the Department of Commerce and Community Affairs has determined the Remediation Applicant is eligible under subdivision (B)(d). If the Department of Commerce and Community Affairs has determined that a Remediation Applicant is

eligible under subdivision (B)(d), the Remediation Applicant may submit an application for payment to the Agency under this subsection (B). Except as provided in subdivision (B)(f), an application for review of remediation costs must not be submitted until a No Further Remediation Letter has been issued by the Agency and recorded in the chain of title for the site in accordance with Section 58.10. The Agency must review the application to determine whether the costs submitted are remediation costs and whether the costs incurred are reasonable. The application must be on forms prescribed and provided by the Agency. At a minimum, the application must include the following:

(1) Information identifying the Remediation Applicant and the site for which the payment is being sought and the date of acceptance of the site into the Site Remediation Program.

(2) A copy of the No Further Remediation Letter with official verification that the letter has been recorded in the chain of title for the site and a demonstration that the site for which the application is submitted is the same site as the one for which the No Further Remediation Letter is issued.

(3) A demonstration that the release of the regulated substances of concern for which the No Further Remediation Letter was issued was not caused or contributed to in any material respect by the Remediation Applicant. The Agency must make determinations as to reimbursement availability consistent with rules adopted by the Pollution Control Board for the administration and enforcement of Section 58.9 of this Act.

(4) A copy of the Department of Commerce and Community Affairs' letter approving eligibility, including the net economic benefit of the remediation project.

(5) An itemization and documentation, including receipts, of the remediation costs incurred.

(6) A demonstration that the costs incurred are remediation costs as defined in this Act and rules adopted under this Act.

(7) A demonstration that the costs submitted for review were incurred by the Remediation Applicant who received the No Further Remediation Letter.

(8) An application fee in the amount set forth in subdivision (B)(j) for each site for which review of remediation costs is requested.

(9) Any other information deemed appropriate by the Agency.

(f) An application for review of remediation costs may be submitted to the Agency prior to the issuance of a No Further Remediation Letter if the Remediation Applicant has a Remedial Action Plan approved by the Agency under the terms of which the Remediation Applicant will remediate groundwater for more than one year. The Agency must review the application to determine whether the costs submitted are remediation costs and whether the costs incurred are reasonable. The application must be on forms prescribed and provided by the Agency. At a minimum, the application must include the following:

(1) Information identifying the Remediation Applicant and the site for which the payment is being sought and the date of acceptance of the site into the Site Remediation Program.

(2) A copy of the Agency letter approving the Remedial Action Plan.

(3) A demonstration that the release of the regulated substances of concern for which the Remedial Action Plan was approved was not caused or contributed to in any material respect by the Remediation Applicant. The Agency must make determinations as to reimbursement availability consistent with

rules adopted by the Pollution Control Board for the administration and enforcement of Section 58.9 of this Act.

(4) A copy of the Department of Commerce and Community Affairs' letter approving eligibility, including the net economic benefit of the remediation project.

(5) An itemization and documentation, including receipts, of the remediation costs incurred.

(6) A demonstration that the costs incurred are remediation costs as defined in this Act and rules adopted under this Act.

(7) A demonstration that the costs submitted for review were incurred by the Remediation Applicant who received approval of the Remediation Action Plan.

(8) An application fee in the amount set forth in subdivision (B)(j) for each site for which review of remediation costs is requested.

(9) Any other information deemed appropriate by the Agency.

(g) For a Remediation Applicant seeking a payment under subdivision (B)(f), until the Agency issues a No Further Remediation Letter for the site, no more than 75% of the allowed payment may be claimed by the Remediation Applicant. The remaining 25% may be claimed following the issuance by the Agency of a No Further Remediation Letter for the site. For a Remediation Applicant seeking a payment under subdivision (B)(e), until the Agency issues a No Further Remediation Letter for the site, no payment may be claimed by the Remediation Applicant.

(h) (1) Within 60 days after receipt by the Agency of an application meeting the requirements of subdivision (B)(e) or (B)(f), the Agency must issue a letter to the applicant approving, disapproving, or modifying the remediation costs submitted in the application. If an application is disapproved or approved with modification of remediation costs, then the Agency's letter must set forth the reasons for the disapproval or modification.

(2) If a preliminary review of a budget plan has been obtained under subdivision (B)(i), the Remediation Applicant may submit, with the application and supporting documentation under subdivision (B)(e) or (B)(f), a copy of the Agency's final determination accompanied by a certification that the actual remediation costs incurred for the development and implementation of the Remedial Action Plan are equal to or less than the costs approved in the Agency's final determination on the budget plan. The certification must be signed by the Remediation Applicant and notarized. Based on that submission, the Agency is not required to conduct further review of the costs incurred for development and implementation of the Remedial Action Plan and may approve costs as submitted.

(3) Within 35 days after receipt of an Agency letter disapproving or modifying an application for approval of remediation costs, the Remediation Applicant may appeal the Agency's decision to the Board in the manner provided for the review of permits in Section 40 of this Act.

(i) (1) A Remediation Applicant may obtain a preliminary review of estimated remediation costs for the development and implementation of the Remedial Action Plan by submitting a budget plan along with the Remedial Action Plan. The budget plan must be set forth on forms prescribed and provided by the Agency and must include, but is not limited to, line item estimates of the costs associated with each line item (such as personnel, equipment, and materials) that the Remediation Applicant anticipates will be incurred for the development and

implementation of the Remedial Action Plan. The Agency must review the budget plan along with the Remedial Action Plan to determine whether the estimated costs submitted are remediation costs and whether the costs estimated for the activities are reasonable.

(2) If the Remedial Action Plan is amended by the Remediation Applicant or as a result of Agency action, the corresponding budget plan must be revised accordingly and resubmitted for Agency review.

(3) The budget plan must be accompanied by the applicable fee as set forth in subdivision (B)(j).

(4) Submittal of a budget plan must be deemed an automatic 60-day waiver of the Remedial Action Plan review deadlines set forth in this subsection (B) and rules adopted under this subsection (B).

(5) Within the applicable period of review, the Agency must issue a letter to the Remediation Applicant approving, disapproving, or modifying the estimated remediation costs submitted in the budget plan. If a budget plan is disapproved or approved with modification of estimated remediation costs, the Agency's letter must set forth the reasons for the disapproval or modification.

(6) Within 35 days after receipt of an Agency letter disapproving or modifying a budget plan, the Remediation Applicant may appeal the Agency's decision to the Board in the manner provided for the review of permits in Section 40 of this Act.

(j) The fees for reviews conducted by the Agency under this subsection (B) are in addition to any other fees or payments for Agency services rendered pursuant to the Site Remediation Program and are as follows:

(1) The fee for an application for review of remediation costs is $1,000 for each site reviewed.

(2) The fee for the review of the budget plan submitted under subdivision (B)(i) is $500 for each site reviewed.

The application fee and the fee for the review of the budget plan must be made payable to the State of Illinois, for deposit into the Brownfields Redevelopment Fund.

(k) Moneys in the Brownfields Redevelopment Fund may be used for the purposes of this Section, including payment for the costs of administering this subsection (B). Any moneys remaining in the Brownfields Site Restoration Program Fund on the effective date of this amendatory Act of the 92nd General Assembly shall be transferred to the Brownfields Redevelopment Fund. Total payments made to all Remediation Applicants by the Agency for purposes of this subsection (B) must not exceed $1,000,000 in State fiscal year 2002.

(l) The Department and the Agency are authorized to enter into any contracts or agreements that may be necessary to carry out their duties and responsibilities under this subsection (B).

(m) Within 6 months after the effective date of this amendatory Act of 2001, the Department of Commerce and Community Affairs and the Agency must propose rules prescribing procedures and standards for the administration of this subsection (B). Within 9 months after receipt of the proposed rules, the Board shall adopt on second notice, pursuant to Sections 27 and 28 of this Act and the Illinois Administrative Procedures Act, rules that are consistent with this subsection (B). Prior to the effective date of rules adopted under this subsection (B), the Department of Commerce and Community Affairs and the Agency may conduct reviews of applications under this subsection (B) and the Agency is further authorized to distribute

guidance documents on costs that are eligible or ineligible as remediation costs.
(Source: P.A. 91-36, eff. 6-15-99; 92-16, eff. 6-28-01.)
(415 ILCS 5/58.18 rep.)
Section 20. The Environmental Protection Act is amended by repealing Section 58.18.
Section 99. Effective date. This Act takes effect upon becoming law.".

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Cronin, **Senate Bill No. 1843** having been printed, was taken up and read by title a second time.
The following amendment was offered in the Committee on Education, adopted and ordered printed:

AMENDMENT NO. 1
AMENDMENT NO. 1. Amend Senate Bill 1843 by replacing everything after the enacting clause with the following:
"Section 5. The School Code is amended by adding Section 14-9.05 as follows:
(105 ILCS 5/14-9.05 new)
Sec. 14-9.05. Temporary special education teacher certification.".

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Sieben, **Senate Bill No. 1880** having been printed, was taken up and read by title a second time.
The following amendment was offered in the Committee on Transportation, adopted and ordered printed:

AMENDMENT NO. 1
AMENDMENT NO. 1. Amend Senate Bill 1880 on page 3, by replacing lines 26 through 30 with the following:
"13. Vehicles used by a security company, alarm responder, or control agency~~, if the security company, alarm responder, or control agency is bound by a contract with a federal, State, or local government entity to use the lights~~; and"; and
on page 5, by deleting lines 22 through 31.

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Parker, **Senate Bill No. 1908** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 1927** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Roskam, **Senate Bill No. 1936** having been printed, was taken up and read by title a second time.
The following amendment was offered in the Committee on

Judiciary, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1936 as follows:
by replacing everything after the enacting clause with the following:
"Section 5. The Firearm Owners Identification Card Act is amended by changing Section 2 as follows:
(430 ILCS 65/2) (from Ch. 38, par. 83-2)
Sec. 2. Firearm Owner's Identification Card required; exceptions.
(a) (1) No person may acquire or possess any firearm within this State without having in his or her possession a Firearm Owner's Identification Card previously issued in his or her name by the Department of State Police under the provisions of this Act.
(2) No person may acquire or possess firearm ammunition within this State without having in his or her possession a Firearm Owner's Identification Card previously issued in his or her name by the Department of State Police under the provisions of this Act.
(b) The provisions of this Section regarding the possession of firearms and firearm ammunition do not apply to:
(1) United States Marshals, while engaged in the operation of their official duties;
(2) Members of the Armed Forces of the United States or the National Guard, while engaged in the operation of their official duties;
(3) Federal officials required to carry firearms, while engaged in the operation of their official duties;
(4) Members of bona fide veterans organizations which receive firearms directly from the armed forces of the United States, while using the firearms for ceremonial purposes with blank ammunition;
(5) Nonresident hunters during hunting season, with valid nonresident hunting licenses and while in an area where hunting is permitted; however, at all other times and in all other places these persons must have their firearms unloaded and enclosed in a case;
(6) Those hunters exempt from obtaining a hunting license who are required to submit their Firearm Owner's Identification Card when hunting on Department of Natural Resources owned or managed sites;
(7) Nonresidents while on a firing or shooting range recognized by the Department of State Police; however, these persons must at all other times and in all other places have their firearms unloaded and enclosed in a case;
(8) Nonresidents while at a firearm showing or display recognized by the Department of State Police; however, at all other times and in all other places these persons must have their firearms unloaded and enclosed in a case;
(9) Nonresidents whose firearms are unloaded and enclosed in a case;
(10) Nonresidents who are currently licensed or registered to possess a firearm in their resident state;
(11) Unemancipated minors while in the custody and immediate control of their parent or legal guardian or other person in loco parentis to the minor if the parent or legal guardian or other person in loco parentis to the minor has a currently valid Firearm Owner's Identification Card;
(12) Color guards of bona fide veterans organizations or members of bona fide American Legion bands while using firearms for ceremonial purposes with blank ammunition;

(13) Nonresident hunters whose state of residence does not require them to be licensed or registered to possess a firearm and only during hunting season, with valid hunting licenses, while accompanied by, and using a firearm owned by, a person who possesses a valid Firearm Owner's Identification Card and while in an area within a commercial club licensed under the Wildlife Code where hunting is permitted and controlled, but in no instance upon sites owned or managed by the Department of Natural Resources; ~~and~~

(14) Resident hunters who are properly authorized to hunt and, while accompanied by a person who possesses a valid Firearm Owner's Identification Card, hunt in an area within a commercial club licensed under the Wildlife Code where hunting is permitted and controlled; and~~.~~

(15) A person who is otherwise eligible to obtain a Firearm Owner's Identification Card under this Act and is under the direct supervision of a holder of a Firearm Owner's Identification Card while the person is on a firing or shooting range or is a participant in a firearms safety and training course recognized by a law enforcement agency or a national, statewide shooting sports organization.

(c) The provisions of this Section regarding the acquisition and possession of firearms and firearm ammunition do not apply to law enforcement officials of this or any other jurisdiction, while engaged in the operation of their official duties.

(Source: P.A. 91-694, eff. 4-13-00.)

Section 10. The Criminal Code of 1961 is amended by changing Section 24-3.1 as follows:

(720 ILCS 5/24-3.1) (from Ch. 38, par. 24-3.1)

Sec. 24-3.1. Unlawful possession of firearms and firearm ammunition.

(a) A person commits the offense of unlawful possession of firearms or firearm ammunition when:

(1) He is under 18 years of age and has in his possession any firearm of a size which may be concealed upon the person; or

(2) He is under 21 years of age, has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent and has any firearms or firearm ammunition in his possession; or

(3) He is a narcotic addict and has any firearms or firearm ammunition in his possession; or

(4) He has been a patient in a mental hospital within the past 5 years and has any firearms or firearm ammunition in his possession; or

(5) He is mentally retarded and has any firearms or firearm ammunition in his possession; or

(6) He has in his possession any explosive bullet.

For purposes of this paragraph "explosive bullet" means the projectile portion of an ammunition cartridge which contains or carries an explosive charge which will explode upon contact with the flesh of a human or an animal. "Cartridge" means a tubular metal case having a projectile affixed at the front thereof and a cap or primer at the rear end thereof, with the propellant contained in such tube between the projectile and the cap; or

(b) Sentence.

Unlawful possession of firearms, other than handguns, and firearm ammunition is a Class A misdemeanor. Unlawful possession of handguns is a Class 4 felony.

(c) Nothing in paragraph (1) of subsection (a) of this Section prohibits a person under 18 years of age from participating in any lawful recreational activity with a firearm such as, but not limited

to, practice shooting at targets upon established public or private target ranges or hunting, trapping, or fishing in accordance with the Wildlife Code or the Fish and Aquatic Life Code.

(Source: P.A. 91-696, eff. 4-13-00.)

Section 99. Effective date. This Act takes effect upon becoming law.".

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Roskam, **Senate Bill No. 1946** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Local Government, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1946 as follows:

by replacing everything after the enacting clause with the following:

"Section 5. The Clerks of Courts Act is amended by changing Section 27.2 as follows:

(705 ILCS 105/27.2) (from Ch. 25, par. 27.2)

(Text of Section before amendment by P.A. 92-521)

Sec. 27.2. The fees of the clerks of the circuit court in all counties having a population in excess of 650,000 inhabitants but less than 3,000,000 inhabitants in the instances described in this Section shall be as provided in this Section. In addition, the fees provided in this Section shall apply to all units of local government and school districts in counties with more than 3,000,000 inhabitants. The fees shall be paid in advance and shall be as follows:

(a) Civil Cases.

The fee for filing a complaint, petition, or other pleading initiating a civil action, with the following exceptions, shall be $150.

(A) When the amount of money or damages or the value of personal property claimed does not exceed $250, $10.

(B) When that amount exceeds $250 but does not exceed $500, $20.

(C) When that amount exceeds $500 but does not exceed $2500, $30.

(D) When that amount exceeds $2500 but does not exceed $15,000, $75.

(E) For the exercise of eminent domain, $150. For each additional lot or tract of land or right or interest therein subject to be condemned, the damages in respect to which shall require separate assessment by a jury, $150.

(b) Forcible Entry and Detainer.

In each forcible entry and detainer case when the plaintiff seeks possession only or unites with his or her claim for possession of the property a claim for rent or damages or both in the amount of $15,000 or less, $40. When the plaintiff unites his or her claim for possession with a claim for rent or damages or both exceeding $15,000, $150.

(c) Counterclaim or Joining Third Party Defendant.

When any defendant files a counterclaim as part of his or her answer or otherwise or joins another party as a third party defendant, or both, the defendant shall pay a fee for each counterclaim or third party action in an amount equal to the fee he or she would have had to pay had he or she brought a separate

action for the relief sought in the counterclaim or against the third party defendant, less the amount of the appearance fee, if that has been paid.

(d) Confession of Judgment.

In a confession of judgment when the amount does not exceed $1500, $50. When the amount exceeds $1500, but does not exceed $15,000, $115. When the amount exceeds $15,000, $200.

(e) Appearance.

The fee for filing an appearance in each civil case shall be $50, except as follows:

(A) When the plaintiff in a forcible entry and detainer case seeks possession only; $20.

(B) When the amount in the case does not exceed $1500, $20.

(C) When that amount exceeds $1500 but does not exceed $15,000, $40.

(f) Garnishment, Wage Deduction, and Citation.

In garnishment affidavit, wage deduction affidavit, and citation petition when the amount does not exceed $1,000, $10; when the amount exceeds $1,000 but does not exceed $5,000, $20; and when the amount exceeds $5,000, $30.

(g) Petition to Vacate or Modify.

(1) Petition to vacate or modify any final judgment or order of court, except in forcible entry and detainer cases and small claims cases or a petition to reopen an estate, to modify, terminate, or enforce a judgment or order for child or spousal support, or to modify, suspend, or terminate an order for withholding, if filed before 30 days after the entry of the judgment or order, $40.

(2) Petition to vacate or modify any final judgment or order of court, except a petition to modify, terminate, or enforce a judgment or order for child or spousal support or to modify, suspend, or terminate an order for withholding, if filed later than 30 days after the entry of the judgment or order, $60.

(3) Petition to vacate order of bond forfeiture, $20.

(h) Mailing.

When the clerk is required to mail, the fee will be $6, plus the cost of postage.

(i) Certified Copies.

Each certified copy of a judgment after the first, except in small claims and forcible entry and detainer cases, $10.

(j) Habeas Corpus.

For filing a petition for relief by habeas corpus, $80.

(k) Certification, Authentication, and Reproduction.

(1) Each certification or authentication for taking the acknowledgment of a deed or other instrument in writing with the seal of office, $4.

(2) Court appeals when original documents are forwarded, under 100 pages, plus delivery and costs, $50.

(3) Court appeals when original documents are forwarded, over 100 pages, plus delivery and costs, $120.

(4) Court appeals when original documents are forwarded, over 200 pages, an additional fee of 20 cents per page.

(5) For reproduction of any document contained in the clerk's files:

(A) First page, $2.

(B) Next 19 pages, 50 cents per page.

(C) All remaining pages, 25 cents per page.

(l) Remands.

In any cases remanded to the Circuit Court from the Supreme

Court or the Appellate Court for a new trial, the clerk shall file the remanding order and reinstate the case with either its original number or a new number. The Clerk shall not charge any new or additional fee for the reinstatement. Upon reinstatement the Clerk shall advise the parties of the reinstatement. A party shall have the same right to a jury trial on remand and reinstatement as he or she had before the appeal, and no additional or new fee or charge shall be made for a jury trial after remand.

(m) Record Search.

For each record search, within a division or municipal district, the clerk shall be entitled to a search fee of $4 for each year searched.

(n) Hard Copy.

For each page of hard copy print output, when case records are maintained on an automated medium, the clerk shall be entitled to a fee of $4.

(o) Index Inquiry and Other Records.

No fee shall be charged for a single plaintiff/defendant index inquiry or single case record inquiry when this request is made in person and the records are maintained in a current automated medium, and when no hard copy print output is requested. The fees to be charged for management records, multiple case records, and multiple journal records may be specified by the Chief Judge pursuant to the guidelines for access and dissemination of information approved by the Supreme Court.

(p) Commitment Petitions.

For filing commitment petitions under the Mental Health and Developmental Disabilities Code, $25.

(q) Alias Summons.

For each alias summons or citation issued by the clerk, $4.

(r) Other Fees.

Any fees not covered in this Section shall be set by rule or administrative order of the Circuit Court with the approval of the Administrative Office of the Illinois Courts.

The clerk of the circuit court may provide additional services for which there is no fee specified by statute in connection with the operation of the clerk's office as may be requested by the public and agreed to by the clerk and approved by the chief judge of the circuit court. Any charges for additional services shall be as agreed to between the clerk and the party making the request and approved by the chief judge of the circuit court. Nothing in this subsection shall be construed to require any clerk to provide any service not otherwise required by law.

(s) Jury Services.

The clerk shall be entitled to receive, in addition to other fees allowed by law, the sum of $192.50, as a fee for the services of a jury in every civil action not quasi-criminal in its nature and not a proceeding for the exercise of the right of eminent domain and in every other action wherein the right of trial by jury is or may be given by law. The jury fee shall be paid by the party demanding a jury at the time of filing the jury demand. If the fee is not paid by either party, no jury shall be called in the action or proceeding, and the same shall be tried by the court without a jury.

(t) Voluntary Assignment.

For filing each deed of voluntary assignment, $10; for recording the same, 25¢ for each 100 words. Exceptions filed to

claims presented to an assignee of a debtor who has made a voluntary assignment for the benefit of creditors shall be considered and treated, for the purpose of taxing costs therein, as actions in which the party or parties filing the exceptions shall be considered as party or parties plaintiff, and the claimant or claimants as party or parties defendant, and those parties respectively shall pay to the clerk the same fees as provided by this Section to be paid in other actions.

(u) Expungement Petition.

The clerk shall be entitled to receive a fee of $30 for each expungement petition filed and an additional fee of $2 for each certified copy of an order to expunge arrest records.

(v) Probate.

The clerk is entitled to receive the fees specified in this subsection (v), which shall be paid in advance, except that, for good cause shown, the court may suspend, reduce, or release the costs payable under this subsection:

(1) For administration of the estate of a decedent (whether testate or intestate) or of a missing person, $100, plus the fees specified in subsection (v)(3), except:

(A) When the value of the real and personal property does not exceed $15,000, the fee shall be $25.

(B) When (i) proof of heirship alone is made, (ii) a domestic or foreign will is admitted to probate without administration (including proof of heirship), or (iii) letters of office are issued for a particular purpose without administration of the estate, the fee shall be $25.

(2) For administration of the estate of a ward, $50, plus the fees specified in subsection (v)(3), except:

(A) When the value of the real and personal property does not exceed $15,000, the fee shall be $25.

(B) When (i) letters of office are issued to a guardian of the person or persons, but not of the estate or (ii) letters of office are issued in the estate of a ward without administration of the estate, including filing or joining in the filing of a tax return or releasing a mortgage or consenting to the marriage of the ward, the fee shall be $10.

(3) In addition to the fees payable under subsection (v)(1) or (v)(2) of this Section, the following fees are payable:

(A) For each account (other than one final account) filed in the estate of a decedent, or ward, $15.

(B) For filing a claim in an estate when the amount claimed is $150 or more but less than $500, $10; when the amount claimed is $500 or more but less than $10,000, $25; when the amount claimed is $10,000 or more, $40; provided that the court in allowing a claim may add to the amount allowed the filing fee paid by the claimant.

(C) For filing in an estate a claim, petition, or supplemental proceeding based upon an action seeking equitable relief including the construction or contest of a will, enforcement of a contract to make a will, and proceedings involving testamentary trusts or the appointment of testamentary trustees, $40.

(D) For filing in an estate (i) the appearance of any person for the purpose of consent or (ii) the appearance of an executor, administrator, administrator to collect, guardian, guardian ad litem, or special administrator, no fee.

(E) Except as provided in subsection (v)(3)(D), for

filing the appearance of any person or persons, $10.

(F) For each jury demand, $102.50.

(G) For disposition of the collection of a judgment or settlement of an action or claim for wrongful death of a decedent or of any cause of action of a ward, when there is no other administration of the estate, $30, less any amount paid under subsection (v)(1)(B) or (v)(2)(B) except that if the amount involved does not exceed $5,000, the fee, including any amount paid under subsection (v)(1)(B) or (v)(2)(B), shall be $10.

(H) For each certified copy of letters of office, of court order or other certification, $1, plus 50¢ per page in excess of 3 pages for the document certified.

(I) For each exemplification, $1, plus the fee for certification.

(4) The executor, administrator, guardian, petitioner, or other interested person or his or her attorney shall pay the cost of publication by the clerk directly to the newspaper.

(5) The person on whose behalf a charge is incurred for witness, court reporter, appraiser, or other miscellaneous fee shall pay the same directly to the person entitled thereto.

(6) The executor, administrator, guardian, petitioner, or other interested person or his attorney shall pay to the clerk all postage charges incurred by the clerk in mailing petitions, orders, notices, or other documents pursuant to the provisions of the Probate Act of 1975.

(w) Criminal and Quasi-Criminal Costs and Fees.

(1) The clerk shall be entitled to costs in all criminal and quasi-criminal cases from each person convicted or sentenced to supervision therein as follows:

(A) Felony complaints, $80.

(B) Misdemeanor complaints, $50.

(C) Business offense complaints, $50.

(D) Petty offense complaints, $50.

(E) Minor traffic or ordinance violations, $20.

(F) When court appearance required, $30.

(G) Motions to vacate or amend final orders, $20.

(H) Motions to vacate bond forfeiture orders, $20.

(I) Motions to vacate ex parte judgments, whenever filed, $20.

(J) Motions to vacate judgment on forfeitures, whenever filed, $20.

(K) Motions to vacate "failure to appear" or "failure to comply" notices sent to the Secretary of State, $20.

(2) In counties having a population of more than 650,000 but fewer than 3,000,000 inhabitants, when the violation complaint is issued by a municipal police department, the clerk shall be entitled to costs from each person convicted therein as follows:

(A) Minor traffic or ordinance violations, $10.

(B) When court appearance required, $15.

(3) In ordinance violation cases punishable by fine only, the clerk of the circuit court shall be entitled to receive, unless the fee is excused upon a finding by the court that the defendant is indigent, in addition to other fees or costs allowed or imposed by law, the sum of $50 as a fee for the services of a jury. The jury fee shall be paid by the defendant at the time of filing his or her jury demand. If the fee is not so paid by the defendant, no jury shall be called, and the case shall be tried by the court without a jury.

(x) Transcripts of Judgment.

For the filing of a transcript of judgment, the clerk shall be entitled to the same fee as if it were the commencement of new suit.

(y) Change of Venue.

(1) For the filing of a change of case on a change of venue, the clerk shall be entitled to the same fee as if it were the commencement of a new suit.

(2) The fee for the preparation and certification of a record on a change of venue to another jurisdiction, when original documents are forwarded, $25.

(z) Tax objection complaints.

For each tax objection complaint containing one or more tax objections, regardless of the number of parcels involved or the number of taxpayers joining in the complaint, $25.

(aa) Tax Deeds.

(1) Petition for tax deed, if only one parcel is involved, $150.

(2) For each additional parcel, add a fee of $50.

(bb) Collections.

(1) For all collections made of others, except the State and county and except in maintenance or child support cases, a sum equal to 2.5% of the amount collected and turned over.

(2) Interest earned on any funds held by the clerk shall be turned over to the county general fund as an earning of the office.

(3) For any check, draft, or other bank instrument returned to the clerk for non-sufficient funds, account closed, or payment stopped, $25.

(4) In child support and maintenance cases, the clerk, if authorized by an ordinance of the county board, may collect an annual fee of up to $36 from the person making payment for maintaining child support records and the processing of support orders to the State of Illinois KIDS system and the recording of payments issued by the State Disbursement Unit for the official record of the Court. This fee shall be in addition to and separate from amounts ordered to be paid as maintenance or child support and shall be deposited into a Separate Maintenance and Child Support Collection Fund, of which the clerk shall be the custodian, ex-officio, to be used by the clerk to maintain child support orders and record all payments issued by the State Disbursement Unit for the official record of the Court. The clerk may recover from the person making the maintenance or child support payment any additional cost incurred in the collection of this annual fee.

The clerk shall also be entitled to a fee of $5 for certifications made to the Secretary of State as provided in Section 7-703 of the Family Financial Responsibility Law and these fees shall also be deposited into the Separate Maintenance and Child Support Collection Fund.

(cc) Corrections of Numbers.

For correction of the case number, case title, or attorney computer identification number, if required by rule of court, on any document filed in the clerk's office, to be charged against the party that filed the document, $15.

(dd) Exceptions.

The fee requirements of this Section shall not apply to police departments or other law enforcement agencies. In this Section, "law enforcement agency" means an agency of the State or a unit of local government which is vested by law or ordinance

with the duty to maintain public order and to enforce criminal laws or ordinances. "Law enforcement agency" also means the Attorney General or any state's attorney. The fee requirements of this Section shall not apply to any action instituted under subsection (b) of Section 11-31-1 of the Illinois Municipal Code by a private owner or tenant of real property within 1200 feet of a dangerous or unsafe building seeking an order compelling the owner or owners of the building to take any of the actions authorized under that subsection.

(ee) Adoptions.

(1) For an adoption.....$65

(2) Upon good cause shown, the court may waive the adoption filing fee in a special needs adoption. The term "special needs adoption" shall have the meaning ascribed to it by the Illinois Department of Children and Family Services.

(ff) Adoption exemptions.

No fee other than that set forth in subsection (ee) shall be charged to any person in connection with an adoption proceeding.

(Source: P.A. 91-321, eff. 1-1-00; 91-612, eff. 10-1-99; 92-16, eff. 6-28-01.)

(Text of Section after amendment by P.A. 92-521)

Sec. 27.2. The fees of the clerks of the circuit court in all counties having a population in excess of 500,000 inhabitants but less than 3,000,000 inhabitants in the instances described in this Section shall be as provided in this Section. In those instances where a minimum and maximum fee is stated, counties with more than 500,000 inhabitants but less than 3,000,000 inhabitants must charge the minimum fee listed in this Section and may charge up to the maximum fee if the county board has by resolution increased the fee. In addition, the minimum fees authorized in this Section shall apply to all units of local government and school districts in counties with more than 3,000,000 inhabitants. The fees shall be paid in advance and shall be as follows:

(a) Civil Cases.

The fee for filing a complaint, petition, or other pleading initiating a civil action, with the following exceptions, shall be a minimum of $150 and a maximum of $190.

(A) When the amount of money or damages or the value of personal property claimed does not exceed $250, a minimum of $10 and a maximum of $15.

(B) When that amount exceeds $250 but does not exceed $1,000, a minimum of $20 and a maximum of $40.

(C) When that amount exceeds $1,000 but does not exceed $2500, a minimum of $30 and a maximum of $50.

(D) When that amount exceeds $2500 but does not exceed $5,000, a minimum of $75 and a maximum of $100.

(D-5) When the amount exceeds $5,000 but does not exceed $15,000, a minimum of $75 and a maximum of $150.

(E) For the exercise of eminent domain, $150. For each additional lot or tract of land or right or interest therein subject to be condemned, the damages in respect to which shall require separate assessment by a jury, $150.

(b) Forcible Entry and Detainer.

In each forcible entry and detainer case when the plaintiff seeks possession only or unites with his or her claim for possession of the property a claim for rent or damages or both in the amount of $15,000 or less, a minimum of $40 and a maximum of $75. When the plaintiff unites his or her claim for possession with a claim for rent or damages or both exceeding $15,000, a minimum of $150 and a maximum of $225.

(c) Counterclaim or Joining Third Party Defendant.

When any defendant files a counterclaim as part of his or her answer or otherwise or joins another party as a third party defendant, or both, the defendant shall pay a fee for each counterclaim or third party action in an amount equal to the fee he or she would have had to pay had he or she brought a separate action for the relief sought in the counterclaim or against the third party defendant, less the amount of the appearance fee, if that has been paid.

(d) Confession of Judgment.

In a confession of judgment when the amount does not exceed $1500, a minimum of $50 and a maximum of $60. When the amount exceeds $1500, but does not exceed $5,000, $75. When the amount exceeds $5,000, but does not exceed $15,000, $175. When the amount exceeds $15,000, a minimum of $200 and a maximum of $250.

(e) Appearance.

The fee for filing an appearance in each civil case shall be a minimum of $50 and a maximum of $75, except as follows:

(A) When the plaintiff in a forcible entry and detainer case seeks possession only, a minimum of $20 and a maximum of $40.

(B) When the amount in the case does not exceed $1500, a minimum of $20 and a maximum of $40.

(C) When the amount in the case exceeds $1500 but does not exceed $15,000, a minimum of $40 and a maximum of $60.

(f) Garnishment, Wage Deduction, and Citation.

In garnishment affidavit, wage deduction affidavit, and citation petition when the amount does not exceed $1,000, a minimum of $10 and a maximum of $15; when the amount exceeds $1,000 but does not exceed $5,000, a minimum of $20 and a maximum of $30; and when the amount exceeds $5,000, a minimum of $30 and a maximum of $50.

(g) Petition to Vacate or Modify.

(1) Petition to vacate or modify any final judgment or order of court, except in forcible entry and detainer cases and small claims cases or a petition to reopen an estate, to modify, terminate, or enforce a judgment or order for child or spousal support, or to modify, suspend, or terminate an order for withholding, if filed before 30 days after the entry of the judgment or order, a minimum of $40 and a maximum of $50.

(2) Petition to vacate or modify any final judgment or order of court, except a petition to modify, terminate, or enforce a judgment or order for child or spousal support or to modify, suspend, or terminate an order for withholding, if filed later than 30 days after the entry of the judgment or order, a minimum of $60 and a maximum of $75.

(3) Petition to vacate order of bond forfeiture, a minimum of $20 and a maximum of $40.

(h) Mailing.

When the clerk is required to mail, the fee will be a minimum of $6 and a maximum of $10, plus the cost of postage.

(i) Certified Copies.

Each certified copy of a judgment after the first, except in small claims and forcible entry and detainer cases, a minimum of $10 and a maximum of $15.

(j) Habeas Corpus.

For filing a petition for relief by habeas corpus, a minimum of $80 and a maximum of $125.

(k) Certification, Authentication, and Reproduction.

(1) Each certification or authentication for taking the

acknowledgment of a deed or other instrument in writing with the seal of office, a minimum of $4 and a maximum of $6.

(2) Court appeals when original documents are forwarded, under 100 pages, plus delivery and costs, a minimum of $50 and a maximum of $75.

(3) Court appeals when original documents are forwarded, over 100 pages, plus delivery and costs, a minimum of $120 and a maximum of $150.

(4) Court appeals when original documents are forwarded, over 200 pages, an additional fee of a minimum of 20 and a maximum of 25 cents per page.

(5) For reproduction of any document contained in the clerk's files:

(A) First page, $2.

(B) Next 19 pages, 50 cents per page.

(C) All remaining pages, 25 cents per page.

(l) Remands.

In any cases remanded to the Circuit Court from the Supreme Court or the Appellate Court for a new trial, the clerk shall file the remanding order and reinstate the case with either its original number or a new number. The Clerk shall not charge any new or additional fee for the reinstatement. Upon reinstatement the Clerk shall advise the parties of the reinstatement. A party shall have the same right to a jury trial on remand and reinstatement as he or she had before the appeal, and no additional or new fee or charge shall be made for a jury trial after remand.

(m) Record Search.

For each record search, within a division or municipal district, the clerk shall be entitled to a search fee of a minimum of $4 and a maximum of $6 for each year searched.

(n) Hard Copy.

For each page of hard copy print output, when case records are maintained on an automated medium, the clerk shall be entitled to a fee of a minimum of $1 ~~$4~~ and a maximum of $6.

(o) Index Inquiry and Other Records.

No fee shall be charged for a single plaintiff/defendant index inquiry or single case record inquiry when this request is made in person and the records are maintained in a current automated medium, and when no hard copy print output is requested. The fees to be charged for management records, multiple case records, and multiple journal records may be specified by the Chief Judge pursuant to the guidelines for access and dissemination of information approved by the Supreme Court.

(p) Commitment Petitions.

For filing commitment petitions under the Mental Health and Developmental Disabilities Code, a minimum of $25 and a maximum of $50.

(q) Alias Summons.

For each alias summons or citation issued by the clerk, a minimum of $4 and a maximum of $5.

(r) Other Fees.

Any fees not covered in this Section shall be set by rule or administrative order of the Circuit Court with the approval of the Administrative Office of the Illinois Courts.

The clerk of the circuit court may provide additional services for which there is no fee specified by statute in connection with the operation of the clerk's office as may be requested by the public and agreed to by the clerk and approved

by the chief judge of the circuit court. Any charges for additional services shall be as agreed to between the clerk and the party making the request and approved by the chief judge of the circuit court. Nothing in this subsection shall be construed to require any clerk to provide any service not otherwise required by law.

(s) Jury Services.

The clerk shall be entitled to receive, in addition to other fees allowed by law, the sum of a minimum of $192.50 and a maximum of $212.50, as a fee for the services of a jury in every civil action not quasi-criminal in its nature and not a proceeding for the exercise of the right of eminent domain and in every other action wherein the right of trial by jury is or may be given by law. The jury fee shall be paid by the party demanding a jury at the time of filing the jury demand. If the fee is not paid by either party, no jury shall be called in the action or proceeding, and the same shall be tried by the court without a jury.

(t) Voluntary Assignment.

For filing each deed of voluntary assignment, a minimum of $10 and a maximum of $20; for recording the same, a minimum of 25¢ and a maximum of 50¢ for each 100 words. Exceptions filed to claims presented to an assignee of a debtor who has made a voluntary assignment for the benefit of creditors shall be considered and treated, for the purpose of taxing costs therein, as actions in which the party or parties filing the exceptions shall be considered as party or parties plaintiff, and the claimant or claimants as party or parties defendant, and those parties respectively shall pay to the clerk the same fees as provided by this Section to be paid in other actions.

(u) Expungement Petition.

The clerk shall be entitled to receive a fee of a minimum of $30 and a maximum of $60 for each expungement petition filed and an additional fee of a minimum of $2 and a maximum of $4 for each certified copy of an order to expunge arrest records.

(v) Probate.

The clerk is entitled to receive the fees specified in this subsection (v), which shall be paid in advance, except that, for good cause shown, the court may suspend, reduce, or release the costs payable under this subsection:

(1) For administration of the estate of a decedent (whether testate or intestate) or of a missing person, a minimum of $100 and a maximum of $150, plus the fees specified in subsection (v)(3), except:

(A) When the value of the real and personal property does not exceed $15,000, the fee shall be a minimum of $25 and a maximum of $40.

(B) When (i) proof of heirship alone is made, (ii) a domestic or foreign will is admitted to probate without administration (including proof of heirship), or (iii) letters of office are issued for a particular purpose without administration of the estate, the fee shall be a minimum of $25 and a maximum of $40.

(2) For administration of the estate of a ward, a minimum of $50 and a maximum of $75, plus the fees specified in subsection (v)(3), except:

(A) When the value of the real and personal property does not exceed $15,000, the fee shall be a minimum of $25 and a maximum of $40.

(B) When (i) letters of office are issued to a

guardian of the person or persons, but not of the estate or (ii) letters of office are issued in the estate of a ward without administration of the estate, including filing or joining in the filing of a tax return or releasing a mortgage or consenting to the marriage of the ward, the fee shall be a minimum of $10 and a maximum of $20.

(3) In addition to the fees payable under subsection (v)(1) or (v)(2) of this Section, the following fees are payable:

(A) For each account (other than one final account) filed in the estate of a decedent, or ward, a minimum of $15 and a maximum of $25.

(B) For filing a claim in an estate when the amount claimed is $150 or more but less than $500, a minimum of $10 and a maximum of $20; when the amount claimed is $500 or more but less than $10,000, a minimum of $25 and a maximum of $40; when the amount claimed is $10,000 or more, a minimum of $40 and a maximum of $60; provided that the court in allowing a claim may add to the amount allowed the filing fee paid by the claimant.

(C) For filing in an estate a claim, petition, or supplemental proceeding based upon an action seeking equitable relief including the construction or contest of a will, enforcement of a contract to make a will, and proceedings involving testamentary trusts or the appointment of testamentary trustees, a minimum of $40 and a maximum of $60.

(D) For filing in an estate (i) the appearance of any person for the purpose of consent or (ii) the appearance of an executor, administrator, administrator to collect, guardian, guardian ad litem, or special administrator, no fee.

(E) Except as provided in subsection (v)(3)(D), for filing the appearance of any person or persons, a minimum of $10 and a maximum of $30.

(F) For each jury demand, a minimum of $102.50 and a maximum of $137.50.

(G) For disposition of the collection of a judgment or settlement of an action or claim for wrongful death of a decedent or of any cause of action of a ward, when there is no other administration of the estate, a minimum of $30 and a maximum of $50, less any amount paid under subsection (v)(1)(B) or (v)(2)(B) except that if the amount involved does not exceed $5,000, the fee, including any amount paid under subsection (v)(1)(B) or (v)(2)(B), shall be a minimum of $10 and a maximum of $20.

(H) For each certified copy of letters of office, of court order or other certification, a minimum of $1 and a maximum of $2, plus a minimum of 50¢ and a maximum of $1 per page in excess of 3 pages for the document certified.

(I) For each exemplification, a minimum of $1 and a maximum of $2, plus the fee for certification.

(4) The executor, administrator, guardian, petitioner, or other interested person or his or her attorney shall pay the cost of publication by the clerk directly to the newspaper.

(5) The person on whose behalf a charge is incurred for witness, court reporter, appraiser, or other miscellaneous fee shall pay the same directly to the person entitled thereto.

(6) The executor, administrator, guardian, petitioner, or other interested person or his attorney shall pay to the clerk all postage charges incurred by the clerk in mailing petitions,

orders, notices, or other documents pursuant to the provisions of the Probate Act of 1975.

(w) Criminal and Quasi-Criminal Costs and Fees.

(1) The clerk shall be entitled to costs in all criminal and quasi-criminal cases from each person convicted or sentenced to supervision therein as follows:

(A) Felony complaints, a minimum of $80 and a maximum of $125.

(B) Misdemeanor complaints, a minimum of $50 and a maximum of $75.

(C) Business offense complaints, a minimum of $50 and a maximum of $75.

(D) Petty offense complaints, a minimum of $50 and a maximum of $75.

(E) Minor traffic or ordinance violations, $20.

(F) When court appearance required, $30.

(G) Motions to vacate or amend final orders, a minimum of $20 and a maximum of $40.

(H) Motions to vacate bond forfeiture orders, a minimum of $20 and a maximum of $30.

(I) Motions to vacate ex parte judgments, whenever filed, a minimum of $20 and a maximum of $30.

(J) Motions to vacate judgment on forfeitures, whenever filed, a minimum of $20 and a maximum of $25.

(K) Motions to vacate "failure to appear" or "failure to comply" notices sent to the Secretary of State, a minimum of $20 and a maximum of $40.

(2) In counties having a population of more than 500,000 but fewer than 3,000,000 inhabitants, when the violation complaint is issued by a municipal police department, the clerk shall be entitled to costs from each person convicted therein as follows:

(A) Minor traffic or ordinance violations, $10.

(B) When court appearance required, $15.

(3) In ordinance violation cases punishable by fine only, the clerk of the circuit court shall be entitled to receive, unless the fee is excused upon a finding by the court that the defendant is indigent, in addition to other fees or costs allowed or imposed by law, the sum of a minimum of $50 and a maximum of $112.50 as a fee for the services of a jury. The jury fee shall be paid by the defendant at the time of filing his or her jury demand. If the fee is not so paid by the defendant, no jury shall be called, and the case shall be tried by the court without a jury.

(x) Transcripts of Judgment.

For the filing of a transcript of judgment, the clerk shall be entitled to the same fee as if it were the commencement of new suit.

(y) Change of Venue.

(1) For the filing of a change of case on a change of venue, the clerk shall be entitled to the same fee as if it were the commencement of a new suit.

(2) The fee for the preparation and certification of a record on a change of venue to another jurisdiction, when original documents are forwarded, a minimum of $25 and a maximum of $40.

(z) Tax objection complaints.

For each tax objection complaint containing one or more tax objections, regardless of the number of parcels involved or the number of taxpayers joining in the complaint, a minimum of $25

and a maximum of $50.

(aa) Tax Deeds.

(1) Petition for tax deed, if only one parcel is involved, a minimum of $150 and a maximum of $250.

(2) For each additional parcel, add a fee of a minimum of $50 and a maximum of $100.

(bb) Collections.

(1) For all collections made of others, except the State and county and except in maintenance or child support cases, a sum equal to a minimum of 2.5% and a maximum of 3.0% of the amount collected and turned over.

(2) Interest earned on any funds held by the clerk shall be turned over to the county general fund as an earning of the office.

(3) For any check, draft, or other bank instrument returned to the clerk for non-sufficient funds, account closed, or payment stopped, $25.

(4) In child support and maintenance cases, the clerk, if authorized by an ordinance of the county board, may collect an annual fee of up to $36 from the person making payment for maintaining child support records and the processing of support orders to the State of Illinois KIDS system and the recording of payments issued by the State Disbursement Unit for the official record of the Court. This fee shall be in addition to and separate from amounts ordered to be paid as maintenance or child support and shall be deposited into a Separate Maintenance and Child Support Collection Fund, of which the clerk shall be the custodian, ex-officio, to be used by the clerk to maintain child support orders and record all payments issued by the State Disbursement Unit for the official record of the Court. The clerk may recover from the person making the maintenance or child support payment any additional cost incurred in the collection of this annual fee.

The clerk shall also be entitled to a fee of $5 for certifications made to the Secretary of State as provided in Section 7-703 of the Family Financial Responsibility Law and these fees shall also be deposited into the Separate Maintenance and Child Support Collection Fund.

(cc) Corrections of Numbers.

For correction of the case number, case title, or attorney computer identification number, if required by rule of court, on any document filed in the clerk's office, to be charged against the party that filed the document, a minimum of $15 and a maximum of $25.

(dd) Exceptions.

The fee requirements of this Section shall not apply to police departments or other law enforcement agencies. In this Section, "law enforcement agency" means an agency of the State or a unit of local government which is vested by law or ordinance with the duty to maintain public order and to enforce criminal laws or ordinances. "Law enforcement agency" also means the Attorney General or any state's attorney. The fee requirements of this Section shall not apply to any action instituted under subsection (b) of Section 11-31-1 of the Illinois Municipal Code by a private owner or tenant of real property within 1200 feet of a dangerous or unsafe building seeking an order compelling the owner or owners of the building to take any of the actions authorized under that subsection.

(ee) Adoptions.

(1) For an adoption.....$65

(2) Upon good cause shown, the court may waive the adoption filing fee in a special needs adoption. The term "special needs adoption" shall have the meaning ascribed to it by the Illinois Department of Children and Family Services.

(ff) Adoption exemptions.

No fee other than that set forth in subsection (ee) shall be charged to any person in connection with an adoption proceeding.

(Source: P.A. 91-321, eff. 1-1-00; 91-612, eff. 10-1-99; 92-16, eff. 6-28-01; 92-521, eff. 6-1-02.)

Section 95. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.".

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Cronin, **Senate Bill No. 1953** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Education, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1953 on page 2, immediately below line 33, by inserting the following:

"Beginning with the 2004-2005 academic year, a preservice education teacher may not student teach until he or she has passed the subject matter test in the discipline in which he or she will student teach.".

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Sieben, **Senate Bill No. 1963** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Roskam, **Senate Bill No. 1966** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Welch, **Senate Bill No. 1968** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Environment and Energy, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1968 by replacing everything after the enacting clause with the following:

"Section 5. The Environmental Protection Act is amended by changing Sections 57.2, 57.7, 57.8, 57.10, 58.2, 58.6, 58.7, and 58.11 as follows:

(415 ILCS 5/57.2)

Sec. 57.2. Definitions. As used in this Title:

"Audit" means a systematic inspection or examination of plans, reports, records, or documents to determine the completeness and

accuracy of the data and conclusions contained therein.

"Bodily injury" means bodily injury, sickness, or disease sustained by a person, including death at any time, resulting from a release of petroleum from an underground storage tank.

"Release" means any spilling, leaking, emitting, discharging, escaping, leaching or disposing of petroleum from an underground storage tank into groundwater, surface water or subsurface soils.

"Fill material" means non-native or disturbed materials used to bed and backfill around an underground storage tank.

"Fund" means the Underground Storage Tank Fund.

"Heating Oil" means petroleum that is No. 1, No. 2, No. 4 - light, No. 4 - heavy, No. 5 - light, No. 5 - heavy or No. 6 technical grades of fuel oil; and other residual fuel oils including Navy Special Fuel Oil and Bunker C.

"Indemnification" means indemnification of an owner or operator for the amount of any judgment entered against the owner or operator in a court of law, for the amount of any final order or determination made against the owner or operator by an agency of State government or any subdivision thereof, or for the amount of any settlement entered into by the owner or operator, if the judgment, order, determination, or settlement arises out of bodily injury or property damage suffered as a result of a release of petroleum from an underground storage tank owned or operated by the owner or operator.

"Corrective action" means activities associated with compliance with the provisions of Sections 57.6 and 57.7 of this Title.

"Occurrence" means an accident, including continuous or repeated exposure to conditions, that results in a sudden or nonsudden release from an underground storage tank.

When used in connection with, or when otherwise relating to, underground storage tanks, the terms "facility", "owner", "operator", "underground storage tank", "(UST)", "petroleum" and "regulated substance" shall have the meanings ascribed to them in Subtitle I of the Hazardous and Solid Waste Amendments of 1984 (P.L. 98-616), of the Resource Conservation and Recovery Act of 1976 (P.L. 94-580); provided however that the term "underground storage tank" shall also mean an underground storage tank used exclusively to store heating oil for consumptive use on the premises where stored and which serves other than a farm or residential unit.

"Licensed Professional Engineer" means a person, corporation, or partnership licensed under the laws of the State of Illinois to practice professional engineering.

"Licensed Professional Geologist" means a person licensed under the laws of the State of Illinois to practice as a professional geologist.

"Site" means any single location, place, tract of land or parcel of property including contiguous property not separated by a public right-of-way.

"Physical soil classification" means verification that subsurface strata are as generally mapped in the publication Illinois Geological Survey Circular (1984) titled "Potential for Contamination of Shallow Aquifers in Illinois," by Berg, Richard C., et al. Such classification may include review of soil borings, well logs, physical soil analyses, regional geologic maps, or other scientific publications.

"Property damage" means physical injury to, destruction of, or contamination of tangible property, including all resulting loss of use of that property; or loss of use of tangible property that is not physically injured, destroyed, or contaminated, but has been evacuated, withdrawn from use, or rendered inaccessible because of a release of petroleum from an underground storage tank.

[Mar. 7, 2002]

"Class I Groundwater" means groundwater that meets the Class I: Potable Resource Groundwater criteria set forth in the Board regulations adopted pursuant to the Illinois Groundwater Protection Act.

"Class III Groundwater" means groundwater that meets the Class III: Special Resource Groundwater criteria set forth in the Board regulations adopted pursuant to the Illinois Groundwater Protection Act.

(Source: P.A. 88-496; 89-428, eff. 1-1-96; 89-457, eff. 5-22-96.)

(415 ILCS 5/57.7)

Sec. 57.7. Leaking underground storage tanks; physical soil classification, groundwater investigation, site classification, and corrective action.

(a) Physical soil classification and groundwater investigation.

(1) Prior to conducting any physical soil classification and groundwater investigation activities required by statute or regulation, the owner or operator shall prepare and submit to the Agency for the Agency's approval or modification:

(A) a physical soil classification and groundwater investigation plan designed to determine site classification, in accordance with subsection (b) of this Section, as High Priority, Low Priority, or No Further Action.

(B) a request for payment of costs associated with eligible early action costs as provided in Section 57.6(b). However, for purposes of payment for early action costs, fill materials shall not be removed in an amount in excess of 4 feet from the outside dimensions of the tank.

(2) If the owner or operator intends to seek payment from the Fund, prior to conducting any physical soil classification and groundwater investigation activities required by statute or regulation, the owner or operator shall submit to the Agency for the Agency's approval or modification a physical soil classification and groundwater investigation budget which includes, but is not limited to, an accounting of all costs associated with the implementation and completion of the physical soil classification and groundwater investigation plan.

(3) Within 30 days of completion of the physical soil classification or groundwater investigation report the owner or operator shall submit to the Agency:

(A) all physical soil classification and groundwater investigation results; and

(B) a certification by a Licensed Professional Engineer <u>or Licensed Professional Geologist</u> of the site's classification as High Priority, Low Priority, or No Further Action in accordance with subsection (b) of this Section as High Priority, Low Priority, or No Further Action.

(b) Site Classification.

(1) After evaluation of the physical soil classification and groundwater investigation results, when required, and general site information, the site shall be classified as "No Further Action", "Low Priority", or "High Priority" based on the requirements of this Section. Site classification shall be determined by a Licensed Professional Engineer <u>or Licensed Professional Geologist</u> in accordance with the requirements of this Title and the Licensed Professional Engineer <u>or Licensed Professional Geologist</u> shall submit a certification to the Agency of the site classification. The Agency has the authority to audit site classifications and reject or modify any site

classification inconsistent with the requirements of this Title.

(2) Sites shall be classified as No Further Action if the criteria in subparagraph (A) are satisfied:

(A)(i) The site is located in an area designated D, E, F and G on the Illinois Geological Survey Circular (1984) titled "Potential for Contamination of Shallow Aquifers in Illinois," by Berg, Richard C., et al.;

(ii) A site evaluation under the direction of a Licensed Professional Engineer or Licensed Professional Geologist verifies the physical soil classification conditions are consistent with those indicated on the Illinois Geological Survey Circular (1984) titled "Potential for Contamination of Shallow Aquifers in Illinois," by Berg, Richard C., et al.; and

(iii) The conditions identified in subsections (b)(3)(B), (C), (D), and (E) do not exist.

(B) Groundwater investigation monitoring may be required to confirm that a site meets the criteria of a No Further Action site. The Board shall adopt rules setting forth the criteria under which the Agency may exercise its discretionary authority to require investigations and the minimum field requirements for conducting investigations.

(3) Sites shall be classified as High Priority if any of the following are met:

(A) The site is located in an area designated A1, A2, A3, A4, A5, AX, B1, B2, BX, C1, C2, C3, C4, or C5 on the Illinois Geological Survey Circular (1984) titled "Potential for Contamination of Shallow Aquifers in Illinois," by Berg, Richard C., et al.; a site evaluation under the direction of a Licensed Professional Engineer or Licensed Professional Geologist verifies the physical soil classifications conditions are consistent with those indicated on the Illinois Geological Survey Circular (1984) entitled "Potential for Contamination of Shallow Aquifers in Illinois," by Berg, Richard C., et al.; and the results of the physical soil classification and groundwater investigation indicate that an applicable indicator contaminant groundwater quality standard or groundwater objective has been exceeded at the property boundary line or 200 feet from the excavation, whichever is less as a consequence of the underground storage tank release.

(B) The underground storage tank is within the minimum or maximum setback zone of a potable water supply well or regulated recharge area of a potable water supply well.

(C) There is evidence that, through natural or manmade pathways, migration of petroleum or vapors threaten human health or human safety or may cause explosions in basements, crawl spaces, utility conduits, storm or sanitary sewers, vaults or other confined spaces.

(D) Class III special resource groundwater exists within 200 feet of the excavation.

(E) A surface water body is adversely affected by the presence of a visible sheen or free product layer as the result of an underground storage tank release.

(4) Sites shall be classified as Low Priority if all of the following are met:

(A) The site does not meet any of the criteria for classification as a High Priority Site.

(B) (i) The site is located in area designated A1, A2, A3, A4, A5, AX, B1, B2, BX, C1, C2, C3, C4, C5 on the

Illinois Geological Survey Circular (1984) entitled "Potential for Contamination of Shallow Aquifers in Illinois," by Berg, Richard C., et al.; and

(ii) a site evaluation under the direction of a Licensed Professional Engineer or Licensed Professional Geologist verifies the physical soil classification conditions are consistent with those indicated on the Illinois Geological Survey Circular (1984) titled "Potential for Contamination of Shallow Aquifers in Illinois," by Berg, Richard C., et al.; and

(iii) the results of the physical soil classification and groundwater investigation do not indicate an applicable indicator contaminant groundwater quality standard or groundwater objective has been exceeded at the property boundary line or 200 feet from the underground storage tank, whichever is less.

(5) In the event the results of the physical soil classification and any required groundwater investigation reveal that the actual site geologic characteristics are different than those indicated by the Illinois Geological Survey Circular (1984) titled "Potential for Contamination of Shallow Aquifers in Illinois" by Berg, Richard C., et al., classification of the site shall be determined using the actual site geologic characteristics.

(6) For purposes of physical soil classification, the Board is authorized to prescribe by regulation alternatives to use of the Illinois Geological Survey Circular (1984) titled "Potential for Contamination of Shallow Aquifers in Illinois" by Berg, Richard C., et al.

(c) Corrective Action.

(1) High Priority Site.

(A) Prior to performance of any corrective action, beyond that required by Section 57.6 and subsection (a) of Section 57.7 of this Act, the owner or operator shall prepare and submit to the Agency for the Agency's approval or modification a corrective action plan designed to mitigate any threat to human health, human safety or the environment resulting from the underground storage tank release.

(B) If the owner or operator intends to seek payment from the Fund, prior to performance of any corrective action beyond that required by Section 57.6 and subsection (a) of Section 57.7, the owner or operator shall submit to the Agency for the Agency's approval or modification a corrective action plan budget which includes, but is not limited to, an accounting of all costs associated with the implementation and completion of the corrective action plan.

(C) The corrective action plan shall do all of the following:

(i) Provide that applicable indicator contaminant groundwater quality standards or groundwater objectives will not be exceeded in groundwater at the property boundary line or 200 feet from the excavation, whichever is less, or other level if approved by the Agency, for any contaminant identified in the groundwater investigation after complete performance of the corrective action plan.

(ii) Provide that Class III special resource groundwater quality standards for Class III special resource groundwater within 200 feet of the excavation

will not be exceeded as a result of the underground storage tank release for any indicator contaminant identified in the groundwater investigation after complete performance of the corrective action plan.

(iii) Remediate threats due to the presence or migration, through natural or manmade pathways, of petroleum in concentrations sufficient to harm human health or human safety or to cause explosions in basements, crawl spaces, utility conduits, storm or sanitary sewers, vaults or other confined spaces.

(iv) Remediate threats to a potable water supply.

(v) Remediate threats to a surface water body.

(D) Within 30 days of completion of the corrective action, the owner or operator shall submit to the Agency such a completion report that includes a description of the corrective action plan and a description of the corrective action work performed and all analytical or sampling results derived from performance of the corrective action plan.

(E) The Agency shall issue to the owner or operator a no further remediation letter in accordance with Section 57.10 if all of the following are met:

(i) The corrective action completion report demonstrates that: (a) applicable indicator contaminant groundwater quality standards or groundwater objectives are not exceeded at the property boundary line or 200 feet from the excavation, whichever is less, as a result of the underground storage tank release for any indicator contaminant identified in the groundwater investigation; (b) Class III special use resource groundwater quality standards, for Class III special use resource groundwater within 200 feet of the underground storage tank, are not exceeded as a result of the underground storage tank release for any contaminant identified in the groundwater investigation; (c) the underground storage tank release does not threaten human health or human safety due to the presence or migration, through natural or manmade pathways, of petroleum or hazardous substances in concentrations sufficient to harm human health or human safety or to cause explosions in basements, crawl spaces, utility conduits, storm or sanitary sewers, vaults or other confined spaces; (d) the underground storage tank release does not threaten any surface water body; and (e) the underground storage tank release does not threaten any potable water supply.

(ii) The owner or operator submits to the Agency a certification from a Licensed Professional Engineer that the work described in the approved corrective action plan has been completed and that the information presented in the corrective action completion report is accurate and complete.

(2) Low Priority Site.

(A) Corrective action at a low priority site must include groundwater monitoring consistent with part (B) of this paragraph (2).

(B) Prior to implementation of groundwater monitoring, the owner or operator shall prepare and submit to the Agency a groundwater monitoring plan and, if the owner or operator intends to seek payment under this Title, an associated budget which includes, at a minimum, all of the following:

(i) Placement of groundwater monitoring wells at the property line, or at 200 feet from the excavation which ever is closer, designed to provide the greatest likelihood of detecting migration of groundwater contamination.

(ii) Quarterly groundwater sampling for a period of one year, semi-annual sampling for the second year and annual groundwater sampling for one subsequent year for all indicator contaminants identified during the groundwater investigation.

(iii) The annual submittal to the Agency of a summary of groundwater sampling results.

(C) If at any time groundwater sampling results indicate a confirmed exceedence of applicable indicator contaminant groundwater quality standards or groundwater objectives as a result of the underground storage tank release, the site may be reclassified as a High Priority Site by the Agency at any time before the Agency's final approval of a Low Priority groundwater monitoring completion report. Agency review and approval shall be in accordance with paragraph (4) of subsection (c) of this Section. If the owner or operator elects to appeal an Agency action to disapprove, modify, or reject by operation of law a Low Priority groundwater monitoring completion report, the Agency shall indicate to the Board in conjunction with such appeal whether it intends to reclassify the site as High Priority. If a site is reclassified as a High Priority Site, the owner or operator shall submit a corrective action plan and budget to the Agency within 120 days of the confirmed exceedence and shall initiate compliance with all corrective action requirements for a High Priority Site.

(D) If, throughout the implementation of the groundwater monitoring plan, the groundwater sampling results do not confirm an exceedence of applicable indicator contaminant groundwater quality standards or groundwater objectives as a result of the underground storage tank release, the owner or operator shall submit to the Agency a certification of a Licensed Professional Engineer <u>or Licensed Professional Geologist</u> so stating.

(E) Unless the Agency takes action under subsection (b)(2)(C) to reclassify a site as high priority, upon receipt of a certification by a Licensed Professional Engineer <u>or Licensed Professional Geologist</u> submitted pursuant to paragraph (2) of subsection (c) of this Section, the Agency shall issue to the owner or operator a no further remediation letter in accordance with Section 57.10.

(3) No Further Action Site.

(A) No Further Action sites require no remediation beyond that required in Section 57.6 and subsection (a) of this Section if the owner or operator has submitted to the Agency a certification by a Licensed Professional Engineer <u>or Licensed Professional Geologist</u> that the site meets all of the criteria for classification as No Further Action in subsection (b) of this Section.

(B) Unless the Agency takes action to reject or modify a site classification under subsection (b) of this Section or the site classification is rejected by operation of law under item (4)(B) of subsection (c) of this Section, upon receipt of a certification by a Licensed Professional Engineer <u>or Licensed Professional Geologist</u> submitted

pursuant to part (A) of paragraph (3) of subsection (c) of this Section, the Agency shall issue to the owner or operator a no further remediation letter in accordance with Section 57.10.

(4) Agency review and approval.

(A) Agency approval of any plan and associated budget, as described in this item (4), shall be considered final approval for purposes of seeking and obtaining payment from the Underground Storage Tank Fund if the costs associated with the completion of any such plan are less than or equal to the amounts approved in such budget.

(B) In the event the Agency fails to approve, disapprove, or modify any plan or report submitted pursuant to this Title in writing within 120 days of the receipt by the Agency, the plan or report shall be considered to be rejected by operation of law for purposes of this Title and rejected for purposes of payment from the ~~Leaking~~ Underground Storage Tank Fund.

(i) For purposes of those plans as identified in subparagraph (E) of this subsection (c)(4), the Agency's review may be an audit procedure. Such review or audit shall be consistent with the procedure for such review or audit as promulgated by the Board under item (7) of subsection (b) of Section 57.14. The Agency has the authority to establish an auditing program to verify compliance of such plans with the provisions of this Title.

(ii) For purposes of those plans submitted pursuant to Part (E) (iii) of this paragraph (4) for which payment from the Fund is not being sought, the Agency need not take action on such plan until 120 days after it receives the corrective action completion report required under Section 57(c)(1)(D). In the event the Agency approved the plan, it shall proceed under the provisions of Section 57(c)(4).

(C) In approving any plan submitted pursuant to Part (E) of this paragraph (4), the Agency shall determine, by a procedure promulgated by the Board under item (7) of subsection (b) of Section 57.14, that the costs associated with the plan are reasonable, will be incurred in the performance of corrective action, and will not be used for corrective action activities in excess of those required to meet the minimum requirements of this title.

(D) For any plan or report received after the effective date of this amendatory Act of 1993, any action by the Agency to disapprove or modify a plan submitted pursuant to this Title shall be provided to the owner or operator in writing within 120 days of the receipt by the Agency or, in the case of a corrective action plan for which payment is not being sought, within 120 days of receipt of the corrective action completion report, and shall be accompanied by:

(i) an explanation of the Sections of this Act which may be violated if the plans were approved;

(ii) an explanation of the provisions of the regulations, promulgated under this Act, which may be violated if the plan were approved;

(iii) an explanation of the specific type of information, if any, which the Agency deems the applicant did not provide the Agency; and

(iv) a statement of specific reasons why the Act and the regulations might not be met if the plan were approved.

Any action by the Agency to disapprove or modify a plan or report or the rejection of any plan or report by operation of law shall be subject to appeal to the Board in accordance with the procedures of Section 40. If the owner or operator elects to incorporate modifications required by the Agency rather than appeal, an amended plan shall be submitted to the Agency within 35 days of receipt of the Agency's written notification.

(E) For purposes of this Title, the term "plan" shall include:

(i) Any physical soil classification and groundwater investigation plan submitted pursuant to item (1)(A) of subsection (a) of this Section, or budget under item (2) of subsection (a) of this Section;

(ii) Any groundwater monitoring plan or budget submitted pursuant to subsection (c)(2)(B) of this Section;

(iii) Any corrective action plan submitted pursuant to subsection (c)(1)(A) of this Section; or

(iv) Any corrective action plan budget submitted pursuant to subsection (c)(1)(B) of this Section.

(d) For purposes of this Title, the term "indicator contaminant" shall mean, unless and until the Board promulgates regulations to the contrary, the following: (i) if an underground storage tank contains gasoline, the indicator parameter shall be BTEX and Benzene; (ii) if the tank contained petroleum products consisting of middle distillate or heavy ends, then the indicator parameter shall be determined by a scan of PNA's taken from the location where contamination is most likely to be present; and (iii) if the tank contained used oil, then the indicator contaminant shall be those chemical constituents which indicate the type of petroleum stored in an underground storage tank. All references in this Title to groundwater objectives shall mean Class I groundwater standards or objectives as applicable.

(e) (1) Notwithstanding the provisions of this Section, an owner or operator may proceed to conduct physical soil classification, groundwater investigation, site classification or other corrective action prior to the submittal or approval of an otherwise required plan. If the owner or operator elects to so proceed, an applicable plan shall be filed with the Agency at any time. Such plan shall detail the steps taken to determine the type of corrective action which was necessary at the site along with the corrective action taken or to be taken, in addition to costs associated with activities to date and anticipated costs.

(2) Upon receipt of a plan submitted after activities have commenced at a site, the Agency shall proceed to review in the same manner as required under this Title. In the event the Agency disapproves all or part of the costs, the owner or operator may appeal such decision to the Board. The owner or operator shall not be eligible to be reimbursed for such disapproved costs unless and until the Board determines that such costs were eligible for payment.

(Source: P.A. 88-496; 88-668, eff. 9-16-94; 89-428, eff. 1-1-96; 89-457, eff. 5-22-96; revised 1-25-02.)

(415 ILCS 5/57.8)

Sec. 57.8. Underground Storage Tank Fund; payment; options for State payment; deferred correction election to commence corrective

action upon availability of funds. If an owner or operator is eligible to access the Underground Storage Tank Fund pursuant to an Office of State Fire Marshal eligibility/deductible final determination letter issued in accordance with Section 57.9, the owner or operator may submit a complete application for final or partial payment to the Agency for activities taken in response to a confirmed release. An owner or operator may submit a request for partial or final payment regarding a site no more frequently than once every 90 days.

(a) Payment after completion of corrective action measures. The owner or operator may submit an application for payment for activities performed at a site after completion of the requirements of Sections 57.6 and 57.7, or after completion of any other required activities at the underground storage tank site.

(1) In the case of any approved plan and budget for which payment is being sought, the Agency shall make a payment determination within 120 days of receipt of the application. Such determination shall be considered a final decision. The Agency's review shall be limited to generally accepted auditing and accounting practices. In no case shall the Agency conduct additional review of any plan which was completed within the budget, beyond auditing for adherence to the corrective action measures in the proposal. If the Agency fails to approve the payment application within 120 days, such application shall be deemed approved by operation of law and the Agency shall proceed to reimburse the owner or operator the amount requested in the payment application. However, in no event shall the Agency reimburse the owner or operator an amount greater than the amount approved in the plan.

(2) If sufficient funds are available in the Underground Storage Tank Fund, the Agency shall, within 60 days, forward to the Office of the State Comptroller a voucher in the amount approved under the payment application.

(3) In the case of insufficient funds, the Agency shall form a priority list for payment and shall notify persons in such priority list monthly of the availability of funds and when payment shall be made. Payment shall be made to the owner or operator at such time as sufficient funds become available for the costs associated with corrective action and costs expended for activities performed where no proposal is required, if applicable. Such priority list shall be available to any owner or operator upon request. Priority for payment shall be determined by the date the Agency receives a complete request for partial or final payment. Upon receipt of notification from the Agency that the requirements of this Title have been met, the Comptroller shall make payment to the owner or operator of the amount approved by the Agency, if sufficient money exists in the Fund. If there is insufficient money in the Fund, then payment shall not be made. If the owner or operator appeals a final Agency payment determination and it is determined that the owner or operator is eligible for payment or additional payment, the priority date for the payment or additional payment shall be the same as the priority date assigned to the original request for partial or final payment.

(4) Any deductible, as determined pursuant to the Office of the State Fire Marshal's eligibility and deductibility final determination in accordance with Section 57.9, shall be subtracted from any payment invoice paid to an eligible owner or operator. Only one deductible shall apply per underground storage tank site.

(5) In the event that costs are or will be incurred in addition to those approved by the Agency, or after payment, the owner or operator may submit successive plans containing amended budgets. The requirements of Section 57.7 shall apply to any amended plans.

(6) For purposes of this Section, a complete application shall consist of:

(A) A certification from a Licensed Professional Engineer or Licensed Professional Geologist as required under this Title and acknowledged by the owner or operator.

(B) A statement of the amount approved in the plan and the amount actually sought for payment along with a certified statement that the amount so sought shall be expended in conformance with the approved budget.

(C) A copy of the Office of the State Fire Marshal's eligibility and deductibility determination.

(D) Proof that approval of the payment requested will not result in the limitations set forth in subsection (g) of this Section being exceeded.

(E) A federal taxpayer identification number and legal status disclosure certification on a form prescribed and provided by the Agency.

(b) Commencement of corrective action upon availability of funds. The Board shall adopt regulations setting forth procedures based on risk to human health or the environment under which the owner or operator who has received approval for any budget plan submitted pursuant to Section 57.7, and who is eligible for payment from the Underground Storage Tank Fund pursuant to an Office of the State Fire Marshal eligibility and deductibility determination, may elect to defer site classification, low priority groundwater monitoring, or remediation activities until funds are available in an amount equal to the amount approved in the budget plan. The regulations shall establish criteria based on risk to human health or the environment to be used for determining on a site-by-site basis whether deferral is appropriate. The regulations also shall establish the minimum investigatory requirements for determining whether the risk based criteria are present at a site considering deferral and procedures for the notification of owners or operators of insufficient funds, Agency review of request for deferral, notification of Agency final decisions, returning deferred sites to active status, and earmarking of funds for payment.

(c) When the owner or operator requests indemnification for payment of costs incurred as a result of a release of petroleum from an underground storage tank, if the owner or operator has satisfied the requirements of subsection (a) of this Section, the Agency shall forward a copy of the request to the Attorney General. The Attorney General shall review and approve the request for indemnification if:

(1) there is a legally enforceable judgment entered against the owner or operator and such judgment was entered due to harm caused by a release of petroleum from an underground storage tank and such judgment was not entered as a result of fraud; or

(2) a settlement with a third party due to a release of petroleum from an underground storage tank is reasonable.

(d) Notwithstanding any other provision of this Title, the Agency shall not approve payment to an owner or operator from the Fund for costs of corrective action or indemnification incurred during a calendar year in excess of the following aggregate amounts based on the number of petroleum underground storage tanks owned or operated by such owner or operator in Illinois.

Amount	Number of Tanks

$1,000,000.....fewer than 101
$2,000,000.....101 or more

(1) Costs incurred in excess of the aggregate amounts set forth in paragraph (1) of this subsection shall not be eligible for payment in subsequent years.

(2) For purposes of this subsection, requests submitted by any of the agencies, departments, boards, committees or commissions of the State of Illinois shall be acted upon as claims from a single owner or operator.

(3) For purposes of this subsection, owner or operator includes (i) any subsidiary, parent, or joint stock company of the owner or operator and (ii) any company owned by any parent, subsidiary, or joint stock company of the owner or operator.

(e) Costs of corrective action or indemnification incurred by an owner or operator which have been paid to an owner or operator under a policy of insurance, another written agreement, or a court order are not eligible for payment under this Section. An owner or operator who receives payment under a policy of insurance, another written agreement, or a court order shall reimburse the State to the extent such payment covers costs for which payment was received from the Fund. Any monies received by the State under this subsection (e) shall be deposited into the Fund.

(f) Until the Board adopts regulations pursuant to Section 57.14, handling charges are eligible for payment only if they are equal to or less than the amount determined by the following table:

Subcontract or field Purchase Cost	Eligible Handling Charges as a Percentage of Cost
$0 - $5,000	12%
$5,001 - $15,000	$600+10% of amt. over $5,000
$15,001 - $50,000	$1600+8% of amt. over $15,000
$50,001 - $100,000	$4400+5% of amt. over $50,000
$100,001 - $1,000,000	$6900+2% of amt. over $100,000

(g) The Agency shall not approve any payment from the Fund to pay an owner or operator:

(1) for costs of corrective action incurred by such owner or operator in an amount in excess of $1,000,000 per occurrence; and

(2) for costs of indemnification of such owner or operator in an amount in excess of $1,000,000 per occurrence.

(h) Payment of any amount from the Fund for corrective action or indemnification shall be subject to the State acquiring by subrogation the rights of any owner, operator, or other person to recover the costs of corrective action or indemnification for which the Fund has compensated such owner, operator, or person from the person responsible or liable for the release.

(i) If the Agency refuses to pay or authorizes only a partial payment, the affected owner or operator may petition the Board for a hearing in the manner provided for the review of permit decisions in Section 40 of this Act.

(j) Costs of corrective action or indemnification incurred by an owner or operator prior to July 28, 1989, shall not be eligible for payment or reimbursement under this Section.

(k) The Agency shall not pay costs of corrective action or indemnification incurred before providing notification of the release of petroleum in accordance with the provisions of this Title.

(l) Corrective action does not include legal defense costs. Legal defense costs include legal costs for seeking payment under this Title unless the owner or operator prevails before the Board in which case the Board may authorize payment of legal fees.

(m) The Agency may apportion payment of costs for plans

submitted under Section 57.7(c)(4)(E)(iii) if:

(1) the owner or operator was deemed eligible to access the Fund for payment of corrective action costs for some, but not all, of the underground storage tanks at the site; and

(2) the owner or operator failed to justify all costs attributable to each underground storage tank at the site.

(Source: P.A. 91-357, eff. 7-29-99.)

(415 ILCS 5/57.10)

Sec. 57.10. Professional Engineer or Professional Geologist certification; presumptions against liability.

(a) Within 120 days of the Agency's receipt of a No Further Action site classification report, a Low Priority groundwater monitoring report, or a High Priority corrective action completion report, the Agency shall issue to the owner or operator a "no further remediation letter" unless the Agency has requested a modification, issued a rejection under subsection (d) of this Section, or the report has been rejected by operation of law.

(b) By certifying such a statement, a Licensed Professional Engineer or Licensed Professional Geologist shall in no way be liable thereon, unless the engineer or geologist gave such certification despite his or her actual knowledge that the performed measures were not in compliance with applicable statutory or regulatory requirements or any plan submitted to the Agency.

(c) The Agency's issuance of a no further remediation letter shall signify, based on the certification of the Licensed Professional Engineer, that:

(1) all statutory and regulatory corrective action requirements applicable to the occurrence have been complied with;

(2) all corrective action concerning the remediation of the occurrence has been completed; and

(3) no further corrective action concerning the occurrence is necessary for the protection of human health, safety and the environment.

(d) The no further remediation letter issued under this Section shall apply in favor of the following parties:

(1) The owner or operator to whom the letter was issued.

(2) Any parent corporation or subsidiary of such owner or operator.

(3) Any co-owner or co-operator, either by joint tenancy, right-of-survivorship, or any other party sharing a legal relationship with the owner or operator to whom the letter is issued.

(4) Any holder of a beneficial interest of a land trust or inter vivos trust whether revocable or irrevocable.

(5) Any mortgagee or trustee of a deed of trust of such owner or operator.

(6) Any successor-in-interest of such owner or operator.

(7) Any transferee of such owner or operator whether the transfer was by sale, bankruptcy proceeding, partition, dissolution of marriage, settlement or adjudication of any civil action, charitable gift, or bequest.

(8) Any heir or devisee or such owner or operator.

(e) If the Agency notifies the owner or operator that the "no further remediation" letter has been rejected, the grounds for such rejection shall be described in the notice. Such a decision shall be a final determination which may be appealed by the owner or operator.

(f) The Board shall adopt rules setting forth the criteria under which the Agency may require an owner or operator to conduct further investigation or remediation related to a release for which a no

further remediation letter has been issued.

(g) Holders of security interests in sites subject to the requirements of this Title XVI shall be entitled to the same protections and subject to the same responsibilities provided under general regulations promulgated under Subtitle I of the Hazardous and Solid Waste Amendments of 1984 (P.L. 98-616) of the Resource Conservation and Recovery Act of 1976 (P.L. 94-580).

(Source: P.A. 88-496; 89-428, eff. 1-1-96; 89-457, eff. 5-22-96.)

(415 ILCS 5/58.2)

Sec. 58.2. Definitions. The following words and phrases when used in this Title shall have the meanings given to them in this Section unless the context clearly indicates otherwise:

"Agrichemical facility" means a site on which agricultural pesticides are stored or handled, or both, in preparation for end use, or distributed. The term does not include basic manufacturing facility sites.

"ASTM" means the American Society for Testing and Materials.

"Area background" means concentrations of regulated substances that are consistently present in the environment in the vicinity of a site that are the result of natural conditions or human activities, and not the result solely of releases at the site.

"Brownfields site" or "brownfields" means a parcel of real property, or a portion of the parcel, that has actual or perceived contamination and an active potential for redevelopment.

"Class I groundwater" means groundwater that meets the Class I Potable Resource groundwater criteria set forth in the Board rules adopted under the Illinois Groundwater Protection Act.

"Class III groundwater" means groundwater that meets the Class III Special Resource Groundwater criteria set forth in the Board rules adopted under the Illinois Groundwater Protection Act.

"Carcinogen" means a contaminant that is classified as a Category A1 or A2 Carcinogen by the American Conference of Governmental Industrial Hygienists; or a Category 1 or 2A/2B Carcinogen by the World Health Organizations International Agency for Research on Cancer; or a "Human Carcinogen" or "Anticipated Human Carcinogen" by the United States Department of Health and Human Service National Toxicological Program; or a Category A or B1/B2 Carcinogen by the United States Environmental Protection Agency in Integrated Risk Information System or a Final Rule issued in a Federal Register notice by the USEPA as of the effective date of this amendatory Act of 1995.

"Licensed Professional Engineer" (LPE) means a person, corporation, or partnership licensed under the laws of this State to practice professional engineering.

"Licensed Professional Geologist" means a person licensed under the laws of the State of Illinois to practice as a professional geologist.

"RELPEG" means a Licensed Professional Engineer or a Licensed Professional Geologist engaged in review and evaluation under this Title.

"Man-made pathway" means constructed routes that may allow for the transport of regulated substances including, but not limited to, sewers, utility lines, utility vaults, building foundations, basements, crawl spaces, drainage ditches, or previously excavated and filled areas.

"Municipality" means an incorporated city, village, or town in this State. "Municipality" does not mean a township, town when that term is used as the equivalent of a township, incorporated town that has superseded a civil township, county, or school district, park district, sanitary district, or similar governmental district.

"Natural pathway" means natural routes for the transport of regulated substances including, but not limited to, soil, groundwater, sand seams and lenses, and gravel seams and lenses.

"Person" means individual, trust, firm, joint stock company, joint venture, consortium, commercial entity, corporation (including a government corporation), partnership, association, State, municipality, commission, political subdivision of a State, or any interstate body including the United States Government and each department, agency, and instrumentality of the United States.

"Regulated substance" means any hazardous substance as defined under Section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (P.L. 96-510) and petroleum products including crude oil or any fraction thereof, natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).

"Remedial action" means activities associated with compliance with the provisions of Sections 58.6 and 58.7.

"Remediation Applicant" (RA) means any person seeking to perform or performing investigative or remedial activities under this Title, including the owner or operator of the site or persons authorized by law or consent to act on behalf of or in lieu of the owner or operator of the site.

"Remediation costs" means reasonable costs paid for investigating and remediating regulated substances of concern consistent with the remedy selected for a site. For purposes of Section 58.14, "remediation costs" shall not include costs incurred prior to January 1, 1998, costs incurred after the issuance of a No Further Remediation Letter under Section 58.10 of this Act, or costs incurred more than 12 months prior to acceptance into the Site Remediation Program.

"Residential property" means any real property that is used for habitation by individuals and other property uses defined by Board rules such as education, health care, child care and related uses.

"Site" means any single location, place, tract of land or parcel of property, or portion thereof, including contiguous property separated by a public right-of-way.

"Regulated substance of concern" means any contaminant that is expected to be present at the site based upon past and current land uses and associated releases that are known to the Remediation Applicant based upon reasonable inquiry.

(Source: P.A. 89-431, eff. 12-15-95; 89-443, eff. 7-1-96; 90-123, eff. 7-21-97.)

(415 ILCS 5/58.6)

Sec. 58.6. Remedial investigations and reports.

(a) Any RA who proceeds under this Title may elect to seek review and approval for any of the remediation objectives provided in Section 58.5 for any or all regulated substances of concern. The RA shall conduct investigations and remedial activities for regulated substances of concern and prepare plans and reports in accordance with this Section and rules adopted hereunder. The RA shall submit the plans and reports for review and approval in accordance with Section 58.7. All investigations, plans, and reports conducted or prepared under this Section shall be under the supervision of a Licensed Professional Engineer (LPE) <u>or, in the case of a site investigation only, a Licensed Professional Geologist</u> in accordance with the requirements of this Title.

(b) (1) Site investigation and Site Investigation Report. The RA shall conduct a site investigation to determine the significant physical features of the site and vicinity that may affect contaminant transport and risk to human health, safety,

and the environment and to determine the nature, concentration, direction and rate of movement, and extent of the contamination at the site.

(2) The RA shall compile the results of the investigations into a Site Investigation Report. At a minimum, the reports shall include the following, as applicable:

(A) Executive summary;

(B) Site history;

(C) Site-specific sampling methods and results;

(D) Documentation of field activities, including quality assurance project plan;

(E) Interpretation of results; and

(F) Conclusions.

(c) Remediation Objectives Report.

(1) If a RA elects to determine remediation objectives appropriate for the site using the Tier II or Tier III procedures under subsection (d) of Section 58.5, the RA shall develop such remediation objectives based on site-specific information. In support of such remediation objectives, the RA shall prepare a Remediation Objectives Report demonstrating how the site-specific objectives were calculated or otherwise determined.

(2) If a RA elects to determine remediation objectives appropriate for the site using the area background procedures under subsection (b) of Section 58.5, the RA shall develop such remediation objectives based on site-specific literature review, sampling protocol, or appropriate statistical methods in accordance with Board rules. In support of such remediation objectives, the RA shall prepare a Remediation Objectives Report demonstrating how the area background remediation objectives were determined.

(d) Remedial Action Plan. If the approved remediation objectives for any regulated substance established under Section 58.5 are less than the levels existing at the site prior to any remedial action, the RA shall prepare a Remedial Action Plan. The Remedial Action Plan shall describe the selected remedy and evaluate its ability and effectiveness to achieve the remediation objectives approved for the site. At a minimum, the reports shall include the following, as applicable:

(1) Executive summary;

(2) Statement of remediation objectives;

(3) Remedial technologies selected;

(4) Confirmation sampling plan;

(5) Current and projected future use of the property; and

(6) Applicable preventive, engineering, and institutional controls including long-term reliability, operating, and maintenance plans, and monitoring procedures.

(e) Remedial Action Completion Report.

(1) Upon completion of the Remedial Action Plan, the RA shall prepare a Remedial Action Completion Report. The report shall demonstrate whether the remedial action was completed in accordance with the approved Remedial Action Plan and whether the remediation objectives, as well as any other requirements of the plan, have been attained.

(2) If the approved remediation objectives for the regulated substances of concern established under Section 58.5 are equal to or above the levels existing at the site prior to any remedial action, notification and documentation of such shall constitute the entire Remedial Action Completion Report for purposes of this Title.

(f) Ability to proceed. The RA may elect to prepare and submit

for review and approval any and all reports or plans required under the provisions of this Section individually, following completion of each such activity; concurrently, following completion of all activities; or in any other combination. In any event, the review and approval process shall proceed in accordance with Section 58.7 and rules adopted thereunder.

(g) Nothing in this Section shall prevent an RA from implementing or conducting an interim or any other remedial measure prior to election to proceed under Section 58.6.

(h) In accordance with Section 58.11, the Agency shall propose and the Board shall adopt rules to carry out the purposes of this Section.

(Source: P.A. 89-431, eff. 12-15-95; 89-443, eff. 7-1-96.)

(415 ILCS 5/58.7)

Sec. 58.7. Review and approvals.

(a) Requirements. All plans and reports that are submitted pursuant to this Title shall be submitted for review or approval in accordance with this Section.

(b) Review and evaluation by the Agency.

(1) Except for sites excluded under subdivision (a) (2) of Section 58.1, the Agency shall, subject to available resources, agree to provide review and evaluation services for activities carried out pursuant to this Title for which the RA requested the services in writing. As a condition for providing such services, the Agency may require that the RA for a site:

(A) Conform with the procedures of this Title;

(B) Allow for or otherwise arrange site visits or other site evaluation by the Agency when so requested;

(C) Agree to perform the work plan as approved under this Title;

(D) Agree to pay any reasonable costs incurred and documented by the Agency in providing such services;

(E) Make an advance partial payment to the Agency for such anticipated services in an amount, acceptable to the Agency, but not to exceed $5,000 or one-half of the total anticipated costs of the Agency, whichever sum is less; and

(F) Demonstrate, if necessary, authority to act on behalf of or in lieu of the owner or operator.

(2) Any moneys received by the State for costs incurred by the Agency in performing review or evaluation services for actions conducted pursuant to this Title shall be deposited in the Hazardous Waste Fund.

(3) An RA requesting services under subdivision (b) (1) of this Section may, at any time, notify the Agency, in writing, that Agency services previously requested are no longer wanted. Within 180 days after receipt of the notice, the Agency shall provide the RA with a final invoice for services provided until the date of such notifications.

(4) The Agency may invoice or otherwise request or demand payment from a RA for costs incurred by the Agency in performing review or evaluation services for actions by the RA at sites only if:

(A) The Agency has incurred costs in performing response actions, other than review or evaluation services, due to the failure of the RA to take response action in accordance with a notice issued pursuant to this Act;

(B) The RA has agreed in writing to the payment of such costs;

(C) The RA has been ordered to pay such costs by the Board or a court of competent jurisdiction pursuant to this

Act; or

(D) The RA has requested or has consented to Agency review or evaluation services under subdivision (b) (1) of this Section.

(5) The Agency may, subject to available resources, agree to provide review and evaluation services for response actions if there is a written agreement among parties to a legal action or if a notice to perform a response action has been issued by the Agency.

(c) Review and evaluation by a Licensed Professional Engineer or Licensed Professional Geologist. A RA may elect to contract with a Licensed Professional Engineer or, in the case of a site investigation report only, a Licensed Professional Geologist, who will perform review and evaluation services on behalf of and under the direction of the Agency relative to the site activities.

(1) Prior to entering into the contract with the RELPEG ~~Review and Evaluation Licensed Professional Engineer (RELPE)~~, the RA shall notify the Agency of the RELPEG **RELPE** to be selected. The Agency and the RA shall discuss the potential terms of the contract.

(2) At a minimum, the contract with the RELPEG **RELPE** shall provide that the RELPEG **RELPE** will submit any reports directly to the Agency, will take his or her directions for work assignments from the Agency, and will perform the assigned work on behalf of the Agency.

(3) Reasonable costs incurred by the Agency shall be paid by the RA directly to the Agency in accordance with the terms of the review and evaluation services agreement entered into under subdivision (b) (1) of Section 58.7.

(4) In no event shall the RELPEG **RELPE** acting on behalf of the Agency be an employee of the RA or the owner or operator of the site or be an employee of any other person the RA has contracted to provide services relative to the site.

(d) Review and approval. All reviews required under this Title shall be carried out by the Agency or a RELPEG **RELPE**, both under the direction of a Licensed Professional Engineer or, in the case of the review of a site investigation only, a Licensed Professional Geologist.

(1) All review activities conducted by the Agency or a RELPEG **RELPE** shall be carried out in conformance with this Title and rules promulgated under Section 58.11.

(2) Subject to the limitations in subsection (c) and this subsection (d), the specific plans, reports, and activities that ~~which~~ the Agency or a RELPEG **RELPE** may review include:

(A) Site Investigation Reports and related activities;

(B) Remediation Objectives Reports;

(C) Remedial Action Plans and related activities; and

(D) Remedial Action Completion Reports and related activities.

(3) Only the Agency shall have the authority to approve, disapprove, or approve with conditions a plan or report as a result of the review process including those plans and reports reviewed by a RELPEG **RELPE**. If the Agency disapproves a plan or report or approves a plan or report with conditions, the written notification required by subdivision (d) (4) of this Section shall contain the following information, as applicable:

(A) An explanation of the Sections of this Title that may be violated if the plan or report was approved;

(B) An explanation of the provisions of the rules promulgated under this Title that may be violated if the

plan or report was approved;

(C) An explanation of the specific type of information, if any, that the Agency deems the applicant did not provide the Agency;

(D) A statement of specific reasons why the Title and regulations might not be met if the plan or report were approved; and

(E) An explanation of the reasons for conditions if conditions are required.

(4) Upon approving, disapproving, or approving with conditions a plan or report, the Agency shall notify the RA in writing of its decision. In the case of approval or approval with conditions of a Remedial Action Completion Report, the Agency shall prepare a No Further Remediation Letter that meets the requirements of Section 58.10 and send a copy of the letter to the RA.

(5) All reviews undertaken by the Agency or a RELPEG ~~RELPE~~ shall be completed and the decisions communicated to the RA within 60 days of the request for review or approval. The RA may waive the deadline upon a request from the Agency. If the Agency disapproves or approves with conditions a plan or report or fails to issue a final decision within the 60 day period and the RA has not agreed to a waiver of the deadline, the RA may, within 35 days, file an appeal to the Board. Appeals to the Board shall be in the manner provided for the review of permit decisions in Section 40 of this Act.

(e) Standard of review. In making determinations, the following factors, and additional factors as may be adopted by the Board in accordance with Section 58.11, shall be considered by the Agency when reviewing or approving plans, reports, and related activities, or the RELPEG ~~RELPE~~, when reviewing plans, reports, and related activities:

(1) Site Investigation Reports and related activities: Whether investigations have been conducted and the results compiled in accordance with the appropriate procedures and whether the interpretations and conclusions reached are supported by the information gathered. In making the determination, the following factors shall be considered:

(A) The adequacy of the description of the site and site characteristics that were used to evaluate the site;

(B) The adequacy of the investigation of potential pathways and risks to receptors identified at the site; and

(C) The appropriateness of the sampling and analysis used.

(2) Remediation Objectives Reports: Whether the remediation objectives are consistent with the requirements of the applicable method for selecting or determining remediation objectives under Section 58.5. In making the determination, the following factors shall be considered:

(A) If the objectives were based on the determination of area background levels under subsection (b) of Section 58.5, whether the review of current and historic conditions at or in the immediate vicinity of the site has been thorough and whether the site sampling and analysis has been performed in a manner resulting in accurate determinations;

(B) If the objectives were calculated on the basis of predetermined equations using site specific data, whether the calculations were accurately performed and whether the site specific data reflect actual site conditions; and

(C) If the objectives were determined using a site specific risk assessment procedure, whether the procedure

used is nationally recognized and accepted, whether the calculations were accurately performed, and whether the site specific data reflect actual site conditions.

(3) Remedial Action Plans and related activities: Whether the plan will result in compliance with this Title, and rules adopted under it and attainment of the applicable remediation objectives. In making the determination, the following factors shall be considered:

(A) The likelihood that the plan will result in the attainment of the applicable remediation objectives;

(B) Whether the activities proposed are consistent with generally accepted engineering practices; and

(C) The management of risk relative to any remaining contamination, including but not limited to, provisions for the long-term enforcement, operation, and maintenance of institutional and engineering controls, if relied on.

(4) Remedial Action Completion Reports and related activities: Whether the remedial activities have been completed in accordance with the approved Remedial Action Plan and whether the applicable remediation objectives have been attained.

(f) All plans and reports submitted for review shall include a Licensed Professional Engineer's certification that all investigations and remedial activities were carried out under his or her direction and, to the best of his or her knowledge and belief, the work described in the plan or report has been completed in accordance with generally accepted engineering practices, and the information presented is accurate and complete.

(g) In accordance with Section 58.11, the Agency shall propose and the Board shall adopt rules to carry out the purposes of this Section. At a minimum, the rules shall detail the types of services the Agency may provide in response to requests under subdivision (b)(1) of this Section and the recordkeeping it will utilize in documenting to the RA the costs incurred by the Agency in providing such services. Until the Board adopts the rules, the Agency may continue to offer services of the type offered under subsections (m) and (n) of Section 22.2 of this Act prior to their repeal.

(h) Public participation.

(1) The Agency shall develop guidance to assist RA's in the implementation of a community relations plan to address activity at sites undergoing remedial action pursuant to this Title.

(2) The RA may elect to enter into a services agreement with the Agency for Agency assistance in community outreach efforts.

(3) The Agency shall maintain a registry listing those sites undergoing remedial action pursuant to this Title.

(4) Notwithstanding any provisions of this Section, the RA of a site undergoing remedial activity pursuant to this Title may elect to initiate a community outreach effort for the site.

(Source: P.A. 89-431, eff. 12-15-95; 89-443, eff. 7-1-96; 89-626, eff. 8-9-96.)

(415 ILCS 5/58.11)

Sec. 58.11. Regulations and Site Remediation Advisory Committee.

(a) There is hereby established a 10-member Site Remediation Advisory Committee, which shall be appointed by the Governor. The Committee shall include one member recommended by the Illinois State Chamber of Commerce, one member recommended by the Illinois Manufacturers' Association, one member recommended by the Chemical Industry Council of Illinois, one member recommended by the Consulting Engineers Council of Illinois, one member recommended by the Illinois Bankers Association, one member recommended by the

Community Bankers Association of Illinois, one member recommended by the National Solid Waste Management Association, and 3 other members as determined by the Governor. Members of the Advisory Committee may organize themselves as they deem necessary and shall serve without compensation.

(b) The Committee shall:

(1) Review, evaluate, and make recommendations regarding State laws, rules, and procedures that relate to site remediations.

(2) Review, evaluate, and make recommendations regarding the review and approval activities of the Agency and Review and Evaluation Licensed Professional Engineers and Geologists.

(3) Make recommendations relating to the State's efforts to implement this Title.

(4) Review, evaluate, and make recommendations regarding the procedures for determining proportionate degree of responsibility for a release of regulated substances.

(5) Review, evaluate, and make recommendations regarding the reports prepared by the Agency in accordance with subsection (e) of this Section.

(c) Within 9 months after the effective date of this amendatory Act of 1995, the Agency, after consideration of the recommendations of the Committee, shall propose rules prescribing procedures and standards for its administration of this Title. Within 9 months after receipt of the Agency's proposed rules, the Board shall adopt, pursuant to Sections 27 and 28 of this Act, rules that are consistent with this Title, including classifications of land use and provisions for the voidance of No Further Remediation Letters.

(d) Until such time as the rules required under this Section take effect, the Agency shall administer its activities under this Title in accordance with Agency procedures and applicable provisions of this Act.

(e) By July 1, 1997 and as deemed appropriate thereafter, the Agency shall prepare reports to the Governor and the General Assembly concerning the status of all sites for which the Agency has expended money from the Hazardous Waste Fund. The reports shall include specific information on the financial, technical, and cost recovery status of each site.

(Source: P.A. 89-431, eff. 12-15-95; 89-443, eff. 7-1-96; 89-626, eff. 8-9-96.)

Section 99. Effective date. This Act takes effect upon becoming law.".

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Dillard, **Senate Bill No. 1971** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Local Government, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1971 by replacing everything after the enacting clause with the following:

"Section 5. The Clerks of Courts Act is amended by changing Section 27.2 as follows:

(705 ILCS 105/27.2) (from Ch. 25, par. 27.2)

(Text of Section before amendment by P.A. 92-521)

Sec. 27.2. The fees of the clerks of the circuit court in all

counties having a population in excess of 650,000 inhabitants but less than 3,000,000 inhabitants in the instances described in this Section shall be as provided in this Section. In addition, the fees provided in this Section shall apply to all units of local government and school districts in counties with more than 3,000,000 inhabitants. The fees shall be paid in advance and shall be as follows:

(a) Civil Cases.

The fee for filing a complaint, petition, or other pleading initiating a civil action, with the following exceptions, shall be $150.

(A) When the amount of money or damages or the value of personal property claimed does not exceed $250, $10.

(B) When that amount exceeds $250 but does not exceed $500, $20.

(C) When that amount exceeds $500 but does not exceed $2500, $30.

(D) When that amount exceeds $2500 but does not exceed $15,000, $75.

(E) For the exercise of eminent domain, $150. For each additional lot or tract of land or right or interest therein subject to be condemned, the damages in respect to which shall require separate assessment by a jury, $150.

(b) Forcible Entry and Detainer.

In each forcible entry and detainer case when the plaintiff seeks possession only or unites with his or her claim for possession of the property a claim for rent or damages or both in the amount of $15,000 or less, $40. When the plaintiff unites his or her claim for possession with a claim for rent or damages or both exceeding $15,000, $150.

(c) Counterclaim or Joining Third Party Defendant.

When any defendant files a counterclaim as part of his or her answer or otherwise or joins another party as a third party defendant, or both, the defendant shall pay a fee for each counterclaim or third party action in an amount equal to the fee he or she would have had to pay had he or she brought a separate action for the relief sought in the counterclaim or against the third party defendant, less the amount of the appearance fee, if that has been paid.

(d) Confession of Judgment.

In a confession of judgment when the amount does not exceed $1500, $50. When the amount exceeds $1500, but does not exceed $15,000, $115. When the amount exceeds $15,000, $200.

(e) Appearance.

The fee for filing an appearance in each civil case shall be $50, except as follows:

(A) When the plaintiff in a forcible entry and detainer case seeks possession only; $20.

(B) When the amount in the case does not exceed $1500, $20.

(C) When that amount exceeds $1500 but does not exceed $15,000, $40.

(f) Garnishment, Wage Deduction, and Citation.

In garnishment affidavit, wage deduction affidavit, and citation petition when the amount does not exceed $1,000, $10; when the amount exceeds $1,000 but does not exceed $5,000, $20; and when the amount exceeds $5,000, $30.

(g) Petition to Vacate or Modify.

(1) Petition to vacate or modify any final judgment or order of court, except in forcible entry and detainer cases and

small claims cases or a petition to reopen an estate, to modify, terminate, or enforce a judgment or order for child or spousal support, or to modify, suspend, or terminate an order for withholding, if filed before 30 days after the entry of the judgment or order, $40.

(2) Petition to vacate or modify any final judgment or order of court, except a petition to modify, terminate, or enforce a judgment or order for child or spousal support or to modify, suspend, or terminate an order for withholding, if filed later than 30 days after the entry of the judgment or order, $60.

(3) Petition to vacate order of bond forfeiture, $20.

(h) Mailing.

When the clerk is required to mail, the fee will be $6, plus the cost of postage.

(i) Certified Copies.

Each certified copy of a judgment after the first, except in small claims and forcible entry and detainer cases, $10.

(j) Habeas Corpus.

For filing a petition for relief by habeas corpus, $80.

(k) Certification, Authentication, and Reproduction.

(1) Each certification or authentication for taking the acknowledgment of a deed or other instrument in writing with the seal of office, $4.

(2) Court appeals when original documents are forwarded, under 100 pages, plus delivery and costs, $50.

(3) Court appeals when original documents are forwarded, over 100 pages, plus delivery and costs, $120.

(4) Court appeals when original documents are forwarded, over 200 pages, an additional fee of 20 cents per page.

(5) For reproduction of any document contained in the clerk's files:

(A) First page, $2.

(B) Next 19 pages, 50 cents per page.

(C) All remaining pages, 25 cents per page.

(l) Remands.

In any cases remanded to the Circuit Court from the Supreme Court or the Appellate Court for a new trial, the clerk shall file the remanding order and reinstate the case with either its original number or a new number. The Clerk shall not charge any new or additional fee for the reinstatement. Upon reinstatement the Clerk shall advise the parties of the reinstatement. A party shall have the same right to a jury trial on remand and reinstatement as he or she had before the appeal, and no additional or new fee or charge shall be made for a jury trial after remand.

(m) Record Search.

For each record search, within a division or municipal district, the clerk shall be entitled to a search fee of $4 for each year searched.

(n) Hard Copy.

For each page of hard copy print output, when case records are maintained on an automated medium, the clerk shall be entitled to a fee of $4.

(o) Index Inquiry and Other Records.

No fee shall be charged for a single plaintiff/defendant index inquiry or single case record inquiry when this request is made in person and the records are maintained in a current automated medium, and when no hard copy print output is requested. The fees to be charged for management records, multiple case records, and multiple journal records may be

specified by the Chief Judge pursuant to the guidelines for access and dissemination of information approved by the Supreme Court.

(p) Commitment Petitions.

For filing commitment petitions under the Mental Health and Developmental Disabilities Code, $25.

(q) Alias Summons.

For each alias summons or citation issued by the clerk, $4.

(r) Other Fees.

Any fees not covered in this Section shall be set by rule or administrative order of the Circuit Court with the approval of the Administrative Office of the Illinois Courts.

The clerk of the circuit court may provide additional services for which there is no fee specified by statute in connection with the operation of the clerk's office as may be requested by the public and agreed to by the clerk and approved by the chief judge of the circuit court. Any charges for additional services shall be as agreed to between the clerk and the party making the request and approved by the chief judge of the circuit court. Nothing in this subsection shall be construed to require any clerk to provide any service not otherwise required by law.

(s) Jury Services.

The clerk shall be entitled to receive, in addition to other fees allowed by law, the sum of $192.50, as a fee for the services of a jury in every civil action not quasi-criminal in its nature and not a proceeding for the exercise of the right of eminent domain and in every other action wherein the right of trial by jury is or may be given by law. The jury fee shall be paid by the party demanding a jury at the time of filing the jury demand. If the fee is not paid by either party, no jury shall be called in the action or proceeding, and the same shall be tried by the court without a jury.

(t) Voluntary Assignment.

For filing each deed of voluntary assignment, $10; for recording the same, 25¢ for each 100 words. Exceptions filed to claims presented to an assignee of a debtor who has made a voluntary assignment for the benefit of creditors shall be considered and treated, for the purpose of taxing costs therein, as actions in which the party or parties filing the exceptions shall be considered as party or parties plaintiff, and the claimant or claimants as party or parties defendant, and those parties respectively shall pay to the clerk the same fees as provided by this Section to be paid in other actions.

(u) Expungement Petition.

The clerk shall be entitled to receive a fee of $30 for each expungement petition filed and an additional fee of $2 for each certified copy of an order to expunge arrest records.

(v) Probate.

The clerk is entitled to receive the fees specified in this subsection (v), which shall be paid in advance, except that, for good cause shown, the court may suspend, reduce, or release the costs payable under this subsection:

(1) For administration of the estate of a decedent (whether testate or intestate) or of a missing person, $100, plus the fees specified in subsection (v)(3), except:

(A) When the value of the real and personal property does not exceed $15,000, the fee shall be $25.

(B) When (i) proof of heirship alone is made, (ii) a domestic or foreign will is admitted to probate without

administration (including proof of heirship), or (iii) letters of office are issued for a particular purpose without administration of the estate, the fee shall be $25.

(2) For administration of the estate of a ward, $50, plus the fees specified in subsection (v)(3), except:

(A) When the value of the real and personal property does not exceed $15,000, the fee shall be $25.

(B) When (i) letters of office are issued to a guardian of the person or persons, but not of the estate or (ii) letters of office are issued in the estate of a ward without administration of the estate, including filing or joining in the filing of a tax return or releasing a mortgage or consenting to the marriage of the ward, the fee shall be $10.

(3) In addition to the fees payable under subsection (v)(1) or (v)(2) of this Section, the following fees are payable:

(A) For each account (other than one final account) filed in the estate of a decedent, or ward, $15.

(B) For filing a claim in an estate when the amount claimed is $150 or more but less than $500, $10; when the amount claimed is $500 or more but less than $10,000, $25; when the amount claimed is $10,000 or more, $40; provided that the court in allowing a claim may add to the amount allowed the filing fee paid by the claimant.

(C) For filing in an estate a claim, petition, or supplemental proceeding based upon an action seeking equitable relief including the construction or contest of a will, enforcement of a contract to make a will, and proceedings involving testamentary trusts or the appointment of testamentary trustees, $40.

(D) For filing in an estate (i) the appearance of any person for the purpose of consent or (ii) the appearance of an executor, administrator, administrator to collect, guardian, guardian ad litem, or special administrator, no fee.

(E) Except as provided in subsection (v)(3)(D), for filing the appearance of any person or persons, $10.

(F) For each jury demand, $102.50.

(G) For disposition of the collection of a judgment or settlement of an action or claim for wrongful death of a decedent or of any cause of action of a ward, when there is no other administration of the estate, $30, less any amount paid under subsection (v)(1)(B) or (v)(2)(B) except that if the amount involved does not exceed $5,000, the fee, including any amount paid under subsection (v)(1)(B) or (v)(2)(B), shall be $10.

(H) For each certified copy of letters of office, of court order or other certification, $1, plus 50¢ per page in excess of 3 pages for the document certified.

(I) For each exemplification, $1, plus the fee for certification.

(4) The executor, administrator, guardian, petitioner, or other interested person or his or her attorney shall pay the cost of publication by the clerk directly to the newspaper.

(5) The person on whose behalf a charge is incurred for witness, court reporter, appraiser, or other miscellaneous fee shall pay the same directly to the person entitled thereto.

(6) The executor, administrator, guardian, petitioner, or other interested person or his attorney shall pay to the clerk all postage charges incurred by the clerk in mailing petitions,

orders, notices, or other documents pursuant to the provisions of the Probate Act of 1975.

(w) Criminal and Quasi-Criminal Costs and Fees.

(1) The clerk shall be entitled to costs in all criminal and quasi-criminal cases from each person convicted or sentenced to supervision therein as follows:

(A) Felony complaints, $80.

(B) Misdemeanor complaints, $50.

(C) Business offense complaints, $50.

(D) Petty offense complaints, $50.

(E) Minor traffic or ordinance violations, $20.

(F) When court appearance required, $30.

(G) Motions to vacate or amend final orders, $20.

(H) Motions to vacate bond forfeiture orders, $20.

(I) Motions to vacate ex parte judgments, whenever filed, $20.

(J) Motions to vacate judgment on forfeitures, whenever filed, $20.

(K) Motions to vacate "failure to appear" or "failure to comply" notices sent to the Secretary of State, $20.

(2) In counties having a population of more than 650,000 but fewer than 3,000,000 inhabitants, when the violation complaint is issued by a municipal police department, the clerk shall be entitled to costs from each person convicted therein as follows:

(A) Minor traffic or ordinance violations, $10.

(B) When court appearance required, $15.

(3) In ordinance violation cases punishable by fine only, the clerk of the circuit court shall be entitled to receive, unless the fee is excused upon a finding by the court that the defendant is indigent, in addition to other fees or costs allowed or imposed by law, the sum of $50 as a fee for the services of a jury. The jury fee shall be paid by the defendant at the time of filing his or her jury demand. If the fee is not so paid by the defendant, no jury shall be called, and the case shall be tried by the court without a jury.

(x) Transcripts of Judgment.

For the filing of a transcript of judgment, the clerk shall be entitled to the same fee as if it were the commencement of new suit.

(y) Change of Venue.

(1) For the filing of a change of case on a change of venue, the clerk shall be entitled to the same fee as if it were the commencement of a new suit.

(2) The fee for the preparation and certification of a record on a change of venue to another jurisdiction, when original documents are forwarded, $25.

(z) Tax objection complaints.

For each tax objection complaint containing one or more tax objections, regardless of the number of parcels involved or the number of taxpayers joining in the complaint, $25.

(aa) Tax Deeds.

(1) Petition for tax deed, if only one parcel is involved, $150.

(2) For each additional parcel, add a fee of $50.

(bb) Collections.

(1) For all collections made of others, except the State and county and except in maintenance or child support cases, a sum equal to 2.5% of the amount collected and turned over.

(2) Interest earned on any funds held by the clerk shall be

turned over to the county general fund as an earning of the office.

(3) For any check, draft, or other bank instrument returned to the clerk for non-sufficient funds, account closed, or payment stopped, $25.

(4) In child support and maintenance cases, the clerk, if authorized by an ordinance of the county board, may collect an annual fee of up to $36 from the person making payment for maintaining child support records and the processing of support orders to the State of Illinois KIDS system and the recording of payments issued by the State Disbursement Unit for the official record of the Court. This fee shall be in addition to and separate from amounts ordered to be paid as maintenance or child support and shall be deposited into a Separate Maintenance and Child Support Collection Fund, of which the clerk shall be the custodian, ex-officio, to be used by the clerk to maintain child support orders and record all payments issued by the State Disbursement Unit for the official record of the Court. The clerk may recover from the person making the maintenance or child support payment any additional cost incurred in the collection of this annual fee.

The clerk shall also be entitled to a fee of $5 for certifications made to the Secretary of State as provided in Section 7-703 of the Family Financial Responsibility Law and these fees shall also be deposited into the Separate Maintenance and Child Support Collection Fund.

(cc) Corrections of Numbers.

For correction of the case number, case title, or attorney computer identification number, if required by rule of court, on any document filed in the clerk's office, to be charged against the party that filed the document, $15.

(dd) Exceptions.

The fee requirements of this Section shall not apply to police departments or other law enforcement agencies. In this Section, "law enforcement agency" means an agency of the State or a unit of local government which is vested by law or ordinance with the duty to maintain public order and to enforce criminal laws or ordinances. "Law enforcement agency" also means the Attorney General or any state's attorney. The fee requirements of this Section shall not apply to any action instituted under subsection (b) of Section 11-31-1 of the Illinois Municipal Code by a private owner or tenant of real property within 1200 feet of a dangerous or unsafe building seeking an order compelling the owner or owners of the building to take any of the actions authorized under that subsection.

(ee) Adoptions.

(1) For an adoption.....$65

(2) Upon good cause shown, the court may waive the adoption filing fee in a special needs adoption. The term "special needs adoption" shall have the meaning ascribed to it by the Illinois Department of Children and Family Services.

(ff) Adoption exemptions.

No fee other than that set forth in subsection (ee) shall be charged to any person in connection with an adoption proceeding.

(Source: P.A. 91-321, eff. 1-1-00; 91-612, eff. 10-1-99; 92-16, eff. 6-28-01.)

(Text of Section after amendment by P.A. 92-521)

Sec. 27.2. The fees of the clerks of the circuit court in all counties having a population in excess of 500,000 inhabitants but less than 3,000,000 inhabitants in the instances described in this

Section shall be as provided in this Section. In those instances where a minimum and maximum fee is stated, counties with more than 500,000 inhabitants but less than 3,000,000 inhabitants must charge the minimum fee listed in this Section and may charge up to the maximum fee if the county board has by resolution increased the fee. In addition, the minimum fees authorized in this Section shall apply to all units of local government and school districts in counties with more than 3,000,000 inhabitants. The fees shall be paid in advance and shall be as follows:

(a) Civil Cases.

The fee for filing a complaint, petition, or other pleading initiating a civil action, with the following exceptions, shall be a minimum of $150 and a maximum of $190.

(A) When the amount of money or damages or the value of personal property claimed does not exceed $250, a minimum of $10 and a maximum of $15.

(B) When that amount exceeds $250 but does not exceed $1,000, a minimum of $20 and a maximum of $40.

(C) When that amount exceeds $1,000 but does not exceed $2500, a minimum of $30 and a maximum of $50.

(D) When that amount exceeds $2500 but does not exceed $5,000, a minimum of $75 and a maximum of $100.

(D-5) When the amount exceeds $5,000 but does not exceed $15,000, a minimum of $75 and a maximum of $150.

(E) For the exercise of eminent domain, $150. For each additional lot or tract of land or right or interest therein subject to be condemned, the damages in respect to which shall require separate assessment by a jury, $150.

(b) Forcible Entry and Detainer.

In each forcible entry and detainer case when the plaintiff seeks possession only or unites with his or her claim for possession of the property a claim for rent or damages or both in the amount of $15,000 or less, a minimum of $40 and a maximum of $75. When the plaintiff unites his or her claim for possession with a claim for rent or damages or both exceeding $15,000, a minimum of $150 and a maximum of $225.

(c) Counterclaim or Joining Third Party Defendant.

When any defendant files a counterclaim as part of his or her answer or otherwise or joins another party as a third party defendant, or both, the defendant shall pay a fee for each counterclaim or third party action in an amount equal to the fee he or she would have had to pay had he or she brought a separate action for the relief sought in the counterclaim or against the third party defendant, less the amount of the appearance fee, if that has been paid.

(d) Confession of Judgment.

In a confession of judgment when the amount does not exceed $1500, a minimum of $50 and a maximum of $60. When the amount exceeds $1500, but does not exceed $5,000, $75. When the amount exceeds $5,000, but does not exceed $15,000, $175. When the amount exceeds $15,000, a minimum of $200 and a maximum of $250.

(e) Appearance.

The fee for filing an appearance in each civil case shall be a minimum of $50 and a maximum of $75, except as follows:

(A) When the plaintiff in a forcible entry and detainer case seeks possession only, a minimum of $20 and a maximum of $40.

(B) When the amount in the case does not exceed $1500, a minimum of $20 and a maximum of $40.

(C) When the amount in the case exceeds $1500 but does

not exceed $15,000, a minimum of $40 and a maximum of $60.

(f) Garnishment, Wage Deduction, and Citation.

In garnishment affidavit, wage deduction affidavit, and citation petition when the amount does not exceed $1,000, a minimum of $10 and a maximum of $15; when the amount exceeds $1,000 but does not exceed $5,000, a minimum of $20 and a maximum of $30; and when the amount exceeds $5,000, a minimum of $30 and a maximum of $50.

(g) Petition to Vacate or Modify.

(1) Petition to vacate or modify any final judgment or order of court, except in forcible entry and detainer cases and small claims cases or a petition to reopen an estate, to modify, terminate, or enforce a judgment or order for child or spousal support, or to modify, suspend, or terminate an order for withholding, if filed before 30 days after the entry of the judgment or order, a minimum of $40 and a maximum of $50.

(2) Petition to vacate or modify any final judgment or order of court, except a petition to modify, terminate, or enforce a judgment or order for child or spousal support or to modify, suspend, or terminate an order for withholding, if filed later than 30 days after the entry of the judgment or order, a minimum of $60 and a maximum of $75.

(3) Petition to vacate order of bond forfeiture, a minimum of $20 and a maximum of $40.

(h) Mailing.

When the clerk is required to mail, the fee will be a minimum of $6 and a maximum of $10, plus the cost of postage. <u>When a mailing is generated using an automated record keeping system, this fee shall be remitted monthly by the clerk to the county treasurer and retained as part of the fund designated as the court automation fund.</u>

(i) Certified Copies.

Each certified copy of a judgment after the first, except in small claims and forcible entry and detainer cases, a minimum of $10 and a maximum of $15.

(j) Habeas Corpus.

For filing a petition for relief by habeas corpus, a minimum of $80 and a maximum of $125.

(k) Certification, Authentication, and Reproduction.

(1) Each certification or authentication for taking the acknowledgment of a deed or other instrument in writing with the seal of office, a minimum of $4 and a maximum of $6.

(2) Court appeals when original documents are forwarded, under 100 pages, plus delivery and costs, a minimum of $50 and a maximum of $75.

(3) Court appeals when original documents are forwarded, over 100 pages, plus delivery and costs, a minimum of $120 and a maximum of $150.

(4) Court appeals when original documents are forwarded, over 200 pages, an additional fee of a minimum of 20 and a maximum of 25 cents per page.

(5) For reproduction of any document contained in the clerk's files:

(A) First page, $2.

(B) Next 19 pages, 50 cents per page.

(C) All remaining pages, 25 cents per page.

(l) Remands.

In any cases remanded to the Circuit Court from the Supreme Court or the Appellate Court for a new trial, the clerk shall file the remanding order and reinstate the case with either its

original number or a new number. The Clerk shall not charge any new or additional fee for the reinstatement. Upon reinstatement the Clerk shall advise the parties of the reinstatement. A party shall have the same right to a jury trial on remand and reinstatement as he or she had before the appeal, and no additional or new fee or charge shall be made for a jury trial after remand.

(m) Record Search.

For each record search, within a division or municipal district, the clerk shall be entitled to a search fee of a minimum of $4 and a maximum of $6 for each year searched.

(n) Hard Copy.

For each page of hard copy print output, when case records are maintained on an automated medium, the clerk shall be entitled to a fee of a minimum of $4 and a maximum of $6.

(o) Index Inquiry and Other Records.

No fee shall be charged for a single plaintiff/defendant index inquiry or single case record inquiry when this request is made in person and the records are maintained in a current automated medium, and when no hard copy print output is requested. The fees to be charged for management records, multiple case records, and multiple journal records may be specified by the Chief Judge pursuant to the guidelines for access and dissemination of information approved by the Supreme Court.

(p) Commitment Petitions.

For filing commitment petitions under the Mental Health and Developmental Disabilities Code, a minimum of $25 and a maximum of $50.

(q) Alias Summons.

For each alias summons or citation issued by the clerk, a minimum of $4 and a maximum of $5.

(r) Other Fees.

Any fees not covered in this Section shall be set by rule or administrative order of the Circuit Court with the approval of the Administrative Office of the Illinois Courts.

The clerk of the circuit court may provide additional services for which there is no fee specified by statute in connection with the operation of the clerk's office as may be requested by the public and agreed to by the clerk and approved by the chief judge of the circuit court. Any charges for additional services shall be as agreed to between the clerk and the party making the request and approved by the chief judge of the circuit court. Nothing in this subsection shall be construed to require any clerk to provide any service not otherwise required by law.

(s) Jury Services.

The clerk shall be entitled to receive, in addition to other fees allowed by law, the sum of a minimum of $192.50 and a maximum of $212.50, as a fee for the services of a jury in every civil action not quasi-criminal in its nature and not a proceeding for the exercise of the right of eminent domain and in every other action wherein the right of trial by jury is or may be given by law. The jury fee shall be paid by the party demanding a jury at the time of filing the jury demand. If the fee is not paid by either party, no jury shall be called in the action or proceeding, and the same shall be tried by the court without a jury.

(t) Voluntary Assignment.

For filing each deed of voluntary assignment, a minimum of

$10 and a maximum of $20; for recording the same, a minimum of 25¢ and a maximum of 50¢ for each 100 words. Exceptions filed to claims presented to an assignee of a debtor who has made a voluntary assignment for the benefit of creditors shall be considered and treated, for the purpose of taxing costs therein, as actions in which the party or parties filing the exceptions shall be considered as party or parties plaintiff, and the claimant or claimants as party or parties defendant, and those parties respectively shall pay to the clerk the same fees as provided by this Section to be paid in other actions.

(u) Expungement Petition.

The clerk shall be entitled to receive a fee of a minimum of $30 and a maximum of $60 for each expungement petition filed and an additional fee of a minimum of $2 and a maximum of $4 for each certified copy of an order to expunge arrest records.

(v) Probate.

The clerk is entitled to receive the fees specified in this subsection (v), which shall be paid in advance, except that, for good cause shown, the court may suspend, reduce, or release the costs payable under this subsection:

(1) For administration of the estate of a decedent (whether testate or intestate) or of a missing person, a minimum of $100 and a maximum of $150, plus the fees specified in subsection (v)(3), except:

(A) When the value of the real and personal property does not exceed $15,000, the fee shall be a minimum of $25 and a maximum of $40.

(B) When (i) proof of heirship alone is made, (ii) a domestic or foreign will is admitted to probate without administration (including proof of heirship), or (iii) letters of office are issued for a particular purpose without administration of the estate, the fee shall be a minimum of $25 and a maximum of $40.

(2) For administration of the estate of a ward, a minimum of $50 and a maximum of $75, plus the fees specified in subsection (v)(3), except:

(A) When the value of the real and personal property does not exceed $15,000, the fee shall be a minimum of $25 and a maximum of $40.

(B) When (i) letters of office are issued to a guardian of the person or persons, but not of the estate or (ii) letters of office are issued in the estate of a ward without administration of the estate, including filing or joining in the filing of a tax return or releasing a mortgage or consenting to the marriage of the ward, the fee shall be a minimum of $10 and a maximum of $20.

(3) In addition to the fees payable under subsection (v)(1) or (v)(2) of this Section, the following fees are payable:

(A) For each account (other than one final account) filed in the estate of a decedent, or ward, a minimum of $15 and a maximum of $25.

(B) For filing a claim in an estate when the amount claimed is $150 or more but less than $500, a minimum of $10 and a maximum of $20; when the amount claimed is $500 or more but less than $10,000, a minimum of $25 and a maximum of $40; when the amount claimed is $10,000 or more, a minimum of $40 and a maximum of $60; provided that the court in allowing a claim may add to the amount allowed the filing fee paid by the claimant.

(C) For filing in an estate a claim, petition, or

supplemental proceeding based upon an action seeking equitable relief including the construction or contest of a will, enforcement of a contract to make a will, and proceedings involving testamentary trusts or the appointment of testamentary trustees, a minimum of $40 and a maximum of $60.

(D) For filing in an estate (i) the appearance of any person for the purpose of consent or (ii) the appearance of an executor, administrator, administrator to collect, guardian, guardian ad litem, or special administrator, no fee.

(E) Except as provided in subsection (v)(3)(D), for filing the appearance of any person or persons, a minimum of $10 and a maximum of $30.

(F) For each jury demand, a minimum of $102.50 and a maximum of $137.50.

(G) For disposition of the collection of a judgment or settlement of an action or claim for wrongful death of a decedent or of any cause of action of a ward, when there is no other administration of the estate, a minimum of $30 and a maximum of $50, less any amount paid under subsection (v)(1)(B) or (v)(2)(B) except that if the amount involved does not exceed $5,000, the fee, including any amount paid under subsection (v)(1)(B) or (v)(2)(B), shall be a minimum of $10 and a maximum of $20.

(H) For each certified copy of letters of office, of court order or other certification, a minimum of $1 and a maximum of $2, plus a minimum of 50¢ and a maximum of $1 per page in excess of 3 pages for the document certified.

(I) For each exemplification, a minimum of $1 and a maximum of $2, plus the fee for certification.

(4) The executor, administrator, guardian, petitioner, or other interested person or his or her attorney shall pay the cost of publication by the clerk directly to the newspaper.

(5) The person on whose behalf a charge is incurred for witness, court reporter, appraiser, or other miscellaneous fee shall pay the same directly to the person entitled thereto.

(6) The executor, administrator, guardian, petitioner, or other interested person or his attorney shall pay to the clerk all postage charges incurred by the clerk in mailing petitions, orders, notices, or other documents pursuant to the provisions of the Probate Act of 1975.

(w) Criminal and Quasi-Criminal Costs and Fees.

(1) The clerk shall be entitled to costs in all criminal and quasi-criminal cases from each person convicted or sentenced to supervision therein as follows:

(A) Felony complaints, a minimum of $80 and a maximum of $125.

(B) Misdemeanor complaints, a minimum of $50 and a maximum of $75.

(C) Business offense complaints, a minimum of $50 and a maximum of $75.

(D) Petty offense complaints, a minimum of $50 and a maximum of $75.

(E) Minor traffic or ordinance violations, $20.

(F) When court appearance required, $30.

(G) Motions to vacate or amend final orders, a minimum of $20 and a maximum of $40.

(H) Motions to vacate bond forfeiture orders, a minimum of $20 and a maximum of $30.

(I) Motions to vacate ex parte judgments, whenever filed, a minimum of $20 and a maximum of $30.

(J) Motions to vacate judgment on forfeitures, whenever filed, a minimum of $20 and a maximum of $25.

(K) Motions to vacate "failure to appear" or "failure to comply" notices sent to the Secretary of State, a minimum of $20 and a maximum of $40.

(2) In counties having a population of more than 500,000 but fewer than 3,000,000 inhabitants, when the violation complaint is issued by a municipal police department, the clerk shall be entitled to costs from each person convicted therein as follows:

(A) Minor traffic or ordinance violations, $10.

(B) When court appearance required, $15.

(3) In ordinance violation cases punishable by fine only, the clerk of the circuit court shall be entitled to receive, unless the fee is excused upon a finding by the court that the defendant is indigent, in addition to other fees or costs allowed or imposed by law, the sum of a minimum of $50 and a maximum of $112.50 as a fee for the services of a jury. The jury fee shall be paid by the defendant at the time of filing his or her jury demand. If the fee is not so paid by the defendant, no jury shall be called, and the case shall be tried by the court without a jury.

(x) Transcripts of Judgment.

For the filing of a transcript of judgment, the clerk shall be entitled to the same fee as if it were the commencement of new suit.

(y) Change of Venue.

(1) For the filing of a change of case on a change of venue, the clerk shall be entitled to the same fee as if it were the commencement of a new suit.

(2) The fee for the preparation and certification of a record on a change of venue to another jurisdiction, when original documents are forwarded, a minimum of $25 and a maximum of $40.

(z) Tax objection complaints.

For each tax objection complaint containing one or more tax objections, regardless of the number of parcels involved or the number of taxpayers joining in the complaint, a minimum of $25 and a maximum of $50.

(aa) Tax Deeds.

(1) Petition for tax deed, if only one parcel is involved, a minimum of $150 and a maximum of $250.

(2) For each additional parcel, add a fee of a minimum of $50 and a maximum of $100.

(bb) Collections.

(1) For all collections made of others, except the State and county and except in maintenance or child support cases, a sum equal to a minimum of 2.5% and a maximum of 3.0% of the amount collected and turned over.

(2) Interest earned on any funds held by the clerk shall be turned over to the county general fund as an earning of the office.

(3) For any check, draft, or other bank instrument returned to the clerk for non-sufficient funds, account closed, or payment stopped, $25.

(4) In child support and maintenance cases, the clerk, if authorized by an ordinance of the county board, may collect an annual fee of up to $36 from the person making payment for

maintaining child support records and the processing of support orders to the State of Illinois KIDS system and the recording of payments issued by the State Disbursement Unit for the official record of the Court. This fee shall be in addition to and separate from amounts ordered to be paid as maintenance or child support and shall be deposited into a Separate Maintenance and Child Support Collection Fund, of which the clerk shall be the custodian, ex-officio, to be used by the clerk to maintain child support orders and record all payments issued by the State Disbursement Unit for the official record of the Court. The clerk may recover from the person making the maintenance or child support payment any additional cost incurred in the collection of this annual fee.

The clerk shall also be entitled to a fee of $5 for certifications made to the Secretary of State as provided in Section 7-703 of the Family Financial Responsibility Law and these fees shall also be deposited into the Separate Maintenance and Child Support Collection Fund.

(cc) Corrections of Numbers.

For correction of the case number, case title, or attorney computer identification number, if required by rule of court, on any document filed in the clerk's office, to be charged against the party that filed the document, a minimum of $15 and a maximum of $25.

(dd) Exceptions.

The fee requirements of this Section shall not apply to police departments or other law enforcement agencies. In this Section, "law enforcement agency" means an agency of the State or a unit of local government which is vested by law or ordinance with the duty to maintain public order and to enforce criminal laws or ordinances. "Law enforcement agency" also means the Attorney General or any state's attorney. The fee requirements of this Section shall not apply to any action instituted under subsection (b) of Section 11-31-1 of the Illinois Municipal Code by a private owner or tenant of real property within 1200 feet of a dangerous or unsafe building seeking an order compelling the owner or owners of the building to take any of the actions authorized under that subsection.

(ee) Adoptions.

(1) For an adoption.....$65

(2) Upon good cause shown, the court may waive the adoption filing fee in a special needs adoption. The term "special needs adoption" shall have the meaning ascribed to it by the Illinois Department of Children and Family Services.

(ff) Adoption exemptions.

No fee other than that set forth in subsection (ee) shall be charged to any person in connection with an adoption proceeding.

(Source: P.A. 91-321, eff. 1-1-00; 91-612, eff. 10-1-99; 92-16, eff. 6-28-01; 92-521, eff. 6-1-02.)

Section 95. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.".

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

[Mar. 7, 2002]

On motion of Senator Dillard, **Senate Bill No. 1972** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cronin, **Senate Bill No. 1983** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Education, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1983 by replacing the title with the following:

"AN ACT concerning education."; and

by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Sections 2-3.64, 10-17a, and 14C-4 as follows:

(105 ILCS 5/2-3.64) (from Ch. 122, par. 2-3.64)

Sec. 2-3.64. State goals and assessment.

(a) Beginning in the 1998-1999 school year, the State Board of Education shall establish standards and periodically, in collaboration with local school districts, conduct studies of student performance in the learning areas of fine arts and physical development/health. Beginning with the 1998-1999 school year, the State Board of Education shall annually test: (i) all pupils enrolled in the 3rd, 5th, and 8th grades in English language arts (reading, writing, and English grammar) and mathematics; and (ii) all pupils enrolled in the 4th and 7th grades in the biological and physical sciences and the social sciences (history, geography, civics, economics, and government). The State Board of Education shall establish the academic standards that are to be applicable to pupils who are subject to State tests under this Section beginning with the 1998-1999 school year. However, the State Board of Education shall not establish any such standards in final form without first providing opportunities for public participation and local input in the development of the final academic standards. Those opportunities shall include a well-publicized period of public comment, public hearings throughout the State, and opportunities to file written comments. Beginning with the 1998-99 school year and thereafter, the State tests will identify pupils in the 3rd grade or 5th grade who do not meet the State standards. If, by performance on the State tests or local assessments or by teacher judgment, a student's performance is determined to be 2 or more grades below current placement, the student shall be provided a remediation program developed by the district in consultation with a parent or guardian. Such remediation programs may include, but shall not be limited to, increased or concentrated instructional time, a remedial summer school program of not less than 90 hours, improved instructional approaches, tutorial sessions, retention in grade, and modifications to instructional materials. Each pupil for whom a remediation program is developed under this subsection shall be required to enroll in and attend whatever program the district determines is appropriate for the pupil. Districts may combine students in remediation programs where appropriate and may cooperate with other districts in the design and delivery of those programs. The parent or guardian of a student required to attend a remediation program under this Section shall be given written notice of that requirement by the school district a reasonable time prior to commencement of the remediation program that the student is to attend. The State shall be responsible for providing school districts with the new and additional funding, under Section 2-3.51.5 or by other or additional means, that is required to

enable the districts to operate remediation programs for the pupils who are required to enroll in and attend those programs under this Section. Every individualized educational program as described in Article 14 shall identify if the State test or components thereof are appropriate for that student. For those pupils for whom the State tests or components thereof are not appropriate, the State Board of Education shall develop rules and regulations governing the administration of alternative tests prescribed within each student's individualized educational program which are appropriate to the disability of each student. All pupils who are in a State approved transitional bilingual education program or transitional program of instruction shall participate in the State tests. Any student who has been enrolled in a State approved bilingual education program less than 3 academic years shall be exempted if the student's lack of English as determined by an English language proficiency test would keep the student from understanding the test, and that student's district shall have an alternative test program in place for that student. The State Board of Education shall appoint a task force of concerned parents, teachers, school administrators and other professionals to assist in identifying such alternative tests. Reasonable accommodations as prescribed by the State Board of Education shall be provided for individual students in the testing procedure. All test procedures prescribed by the State Board of Education shall require: (i) that each test used for State and local student testing under this Section identify by name the pupil taking the test; (ii) that the name of the pupil taking the test be placed on the test at the time the test is taken; (iii) that the results or scores of each test taken under this Section by a pupil of the school district be reported to that district and identify by name the pupil who received the reported results or scores; and (iv) that the results or scores of each test taken under this Section be made available to the parents of the pupil. In addition, beginning with the 2000-2001 school year and in each school year thereafter, the highest scores and performance levels attained by a student on the Prairie State Achievement Examination administered under subsection (c) of this Section shall become part of the student's permanent record and shall be entered on the student's transcript pursuant to regulations that the State Board of Education shall promulgate for that purpose in accordance with Section 3 and subsection (e) of Section 2 of the Illinois School Student Records Act. Beginning with the 1998-1999 school year and in every school year thereafter, scores received by students on the State assessment tests administered in grades 3 through 8 shall be placed into students' temporary records. The State Board of Education shall establish a common month in each school year for which State testing shall occur to meet the objectives of this Section. However, if the schools of a district are closed and classes are not scheduled during any week that is established by the State Board of Education as the week of the month when State testing under this Section shall occur, the school district may administer the required State testing at any time up to 2 weeks following the week established by the State Board of Education for the testing, so long as the school district gives the State Board of Education written notice of its intention to deviate from the established schedule by December 1 of the school year in which falls the week established by the State Board of Education for the testing. The maximum time allowed for all actual testing required under this subsection during the school year shall not exceed 25 hours as allocated among the required tests by the State Board of Education.

(a-5) All tests administered pursuant to this Section shall be

academically based. For the purposes of this Section "academically based tests" shall mean tests consisting of questions and answers that are measurable and quantifiable to measure the knowledge, skill, and ability of students in the subject matters covered by tests. The scoring of academically based tests shall be reliable, valid, unbiased and shall meet the guidelines for test development and use prescribed by the American Psychological Association, the National Council of Measurement and Evaluation, and the American Educational Research Association. Academically based tests shall not include assessments or evaluations of attitudes, values, or beliefs, or testing of personality, self-esteem, or self-concept. Nothing in this amendatory Act is intended, nor shall it be construed, to nullify, supersede, or contradict the legislative intent on academic testing expressed during the passage of HB 1005/P.A. 90-296.

Beginning in the 1998-1999 school year, the State Board of Education may, on a pilot basis, include in the State assessments in reading and math at each grade level tested no more than 2 short answer questions, where students have to respond in brief to questions or prompts or show computations, rather than select from alternatives that are presented. In the first year that such questions are used, scores on the short answer questions shall not be reported on an individual student basis but shall be aggregated for each school building in which the tests are given. State-level, school, and district scores shall be reported both with and without the results of the short answer questions so that the effect of short answer questions is clearly discernible. Beginning in the second year of this pilot program, scores on the short answer questions shall be reported both on an individual student basis and on a school building basis in order to monitor the effects of teacher training and curriculum improvements on score results.

The State Board of Education shall not continue the use of short answer questions in the math and reading assessments, or extend the use of such questions to other State assessments, unless this pilot project demonstrates that the use of short answer questions results in a statistically significant improvement in student achievement as measured on the State assessments for math and reading and is justifiable in terms of cost and student performance.

(b) It shall be the policy of the State to encourage school districts to continuously test pupil proficiency in the fundamental learning areas in order to: (i) provide timely information on individual students' performance relative to State standards that is adequate to guide instructional strategies; (ii) improve future instruction; and (iii) complement the information provided by the State testing system described in this Section. Each district's school improvement plan must address specific activities the district intends to implement to assist pupils who by teacher judgment and test results as prescribed in subsection (a) of this Section demonstrate that they are not meeting State standards or local objectives. Such activities may include, but shall not be limited to, summer school, extended school day, special homework, tutorial sessions, modified instructional materials, other modifications in the instructional program, reduced class size or retention in grade. To assist school districts in testing pupil proficiency in reading in the primary grades, the State Board shall make optional reading inventories for diagnostic purposes available to each school district that requests such assistance. Districts that administer the reading inventories may develop remediation programs for students who perform in the bottom half of the student population. Those remediation programs may be funded by moneys provided under the School Safety and Educational Improvement Block Grant Program established under Section

2-3.51.5. Nothing in this Section shall prevent school districts from implementing testing and remediation policies for grades not required under this Section.

(c) Beginning with the 2000-2001 school year, each school district that operates a high school program for students in grades 9 through 12 shall annually administer the Prairie State Achievement Examination established under this subsection to its students as set forth below. The Prairie State Achievement Examination shall be developed by the State Board of Education to measure student performance in the academic areas of reading, writing, mathematics, science, and social sciences. The State Board of Education shall establish the academic standards that are to apply in measuring student performance on the Prairie State Achievement Examination including the minimum examination score in each area that will qualify a student to receive a Prairie State Achievement Award from the State in recognition of the student's excellent performance. Each school district that is subject to the requirements of this subsection (c) shall afford all students 2 opportunities to take the Prairie State Achievement Examination beginning as late as practical during the second semester of grade 11, but in no event before March 1. The State Board of Education shall annually notify districts of the weeks during which these test administrations shall be required to occur. Every individualized educational program as described in Article 14 shall identify if the Prairie State Achievement Examination or components thereof are appropriate for that student. Each student, exclusive of a student whose individualized educational program developed under Article 14 identifies the Prairie State Achievement Examination as inappropriate for the student, shall be required to take the examination in grade 11. For each academic area the State Board of Education shall establish the score that qualifies for the Prairie State Achievement Award on that portion of the examination. Any student who fails to earn a qualifying score for a Prairie State Achievement Award in any one or more of the academic areas on the initial test administration or who wishes to improve his or her score on any portion of the examination shall be permitted to retake such portion or portions of the examination during grade 12. Districts shall inform their students of the timelines and procedures applicable to their participation in every yearly administration of the Prairie State Achievement Examination. Students receiving special education services whose individualized educational programs identify the Prairie State Achievement Examination as inappropriate for them nevertheless shall have the option of taking the examination, which shall be administered to those students in accordance with standards adopted by the State Board of Education to accommodate the respective disabilities of those students. A student who successfully completes all other applicable high school graduation requirements but fails to receive a score on the Prairie State Achievement Examination that qualifies the student for receipt of a Prairie State Achievement Award shall nevertheless qualify for the receipt of a regular high school diploma.

(d) Beginning with the 2002-2003 school year, all schools in this State that are part of the sample drawn by the National Center for Education Statistics, in collaboration with their school districts and the State Board of Education, shall administer the biennial State academic assessments of 4th and 8th grade reading and mathematics under the National Assessment of Educational Progress carried out under Section 411(b)(2) of the National Education Statistics Act of 1994 (20 U.S.C. 9010) if the Secretary of Education pays the costs of administering the assessments.

(Source: P.A. 90-566, eff. 1-2-98; 90-789, eff. 8-14-98; 91-283,

eff. 7-29-99.)

(105 ILCS 5/10-17a) (from Ch. 122, par. 10-17a)

Sec. 10-17a. Better schools accountability.

(1) Policy and Purpose. It shall be the policy of the State of Illinois that each school district in this State, including special charter districts and districts subject to the provisions of Article 34, shall submit to parents, taxpayers of such district, the Governor, the General Assembly, and the State Board of Education a school report card assessing the performance of its schools and students. The report card shall be an index of school performance measured against statewide and local standards and will provide information to make prior year comparisons and to set future year targets through the school improvement plan.

(2) Reporting Requirements. Each school district shall prepare a report card in accordance with the guidelines set forth in this Section which describes the performance of its students by school attendance centers and by district and the district's use of financial resources. Such report card shall be presented at a regular school board meeting subject to applicable notice requirements, posted on the school district's Internet web site, if the district maintains an Internet web site, ~~and such report cards shall be~~ made available to a newspaper of general circulation serving the district, and, upon request, ~~shall be~~ sent home to a parent (unless the district does not maintain an Internet web site, in which case the report card shall be sent home to parents without request) ~~parents~~. In addition, each school district shall submit the completed report card to the office of the district's Regional Superintendent which shall make copies available to any individuals requesting them.

The report card shall be completed and disseminated prior to October 31 in each school year. The report card shall contain, but not be limited to, actual local school attendance center, school district and statewide data indicating the present performance of the school, the State norms and the areas for planned improvement for the school and school district.

(3) (a) The report card shall include the following applicable indicators of attendance center, district, and statewide student performance: percent of students who exceed, meet, or do not meet standards established by the State Board of Education pursuant to Section 2-3.25a; composite and subtest means on nationally normed achievement tests for college bound students; student attendance rates; chronic truancy rate; dropout rate; graduation rate; and student mobility, turnover shown as a percent of transfers out and a percent of transfers in.

(b) The report card shall include the following descriptions for the school, district, and State: average class size; amount of time per day devoted to mathematics, science, English and social science at primary, middle and junior high school grade levels; number of students taking the Prairie State Achievement Examination under subsection (c) of Section 2-3.64, the number of those students who received a score of excellent, and the average score by school of students taking the examination; pupil-teacher ratio; pupil-administrator ratio; operating expenditure per pupil; district expenditure by fund; average administrator salary; and average teacher salary.

(c) The report card shall include applicable indicators of parental involvement in each attendance center. The parental involvement component of the report card shall include the percentage of students whose parents or guardians have had one or more personal contacts with the students' teachers during the school year concerning the students' education, and such other information,

commentary, and suggestions as the school district desires. For the purposes of this paragraph, "personal contact" includes, but is not limited to, parent-teacher conferences, parental visits to school, school visits to home, telephone conversations, and written correspondence. The parental involvement component shall not single out or identify individual students, parents, or guardians by name.

(d) The report card form shall be prepared by the State Board of Education and provided to school districts by the most efficient, economic, and appropriate means.

(Source: P.A. 89-610, eff. 8-6-96.)

(105 ILCS 5/14C-4) (from Ch. 122, par. 14C-4)

Sec. 14C-4. Notice of enrollment; content; rights of parents.

No later than 30 ~~10~~ days after the beginning of the school year or 14 days after the enrollment of any child in a program in transitional bilingual education during the middle of a school year, the school district in which the child resides shall notify by mail the parents or legal guardian of the child of the fact that their child has been enrolled in a program in transitional bilingual education. The notice shall contain all of the following information in a simple, nontechnical language:

(1) The reasons why the child has been placed in and needs the services of the program.

(2) The child's level of English proficiency, how this level was assessed, and the child's current level of academic achievement.

(3) ~~description of~~ The ~~purposes,~~ method of instruction used in the program and in other available offerings of the district, including how the program differs from those other offerings in content, instructional goals, and the use of English and native language instruction.

(4) How the program will meet the educational strengths and needs of the child.

(5) How the program will specifically help the child to learn English and to meet academic achievement standards for grade promotion and graduation.

(6) The specific exit requirements for the program, the expected rate of transition from the program into the regular curriculum, and the expected graduation rate for children in the program if the program is offered at the secondary level.

(7) How the program meets the objectives of the child's individual educational program (IEP), if applicable.

(8) The right of the parents to decline to enroll the child in the program or to choose another program or method of instruction, if available.

(9) The right of the parents to have the child immediately removed from the program upon request.

(10) ~~and content of the program in which the child is enrolled and shall inform the parents that they have~~ The right of the parents to visit transitional bilingual education classes in which their child is enrolled and to come to the school for a conference to explain the nature of transitional bilingual education. ~~Said notice shall further inform the parents that they have the absolute right, if they so wish, to withdraw their child from a program in transitional bilingual education in the manner as hereinafter provided.~~

The notice shall be in writing in English and in the language of which the child of the parents so notified possesses a primary speaking ability.

Any parent whose child has been enrolled in a program in transitional bilingual education shall have the absolute right,

~~either at the time of the original notification of enrollment or at the close of any semester thereafter,~~ to immediately withdraw his child from said program by providing written notice of such desire to the school authorities of the school in which his child is enrolled or to the school district in which his child resides; ~~provided that no withdrawal shall be permitted unless such parent is informed in a conference with school district officials of the nature of the program~~.
(Source: P.A. 78-727.)
Section 99. Effective date. This Act takes effect on July 1, 2002.".

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Cronin, **Senate Bill No. 1985** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Bomke, **Senate Bill No. 2022** having been printed, was taken up and read by title a second time.
The following amendment was offered in the Committee on Judiciary, adopted and ordered printed:

AMENDMENT NO. 1
AMENDMENT NO. 1. Amend Senate Bill 2022 as follows:
on page 5, line 17, by inserting "forcible" after "valid".

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Parker, **Senate Bill No. 2067** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Parker, **Senate Bill No. 2068** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sullivan, **Senate Bill No. 2081** having been printed, was taken up and read by title a second time.
The following amendment was offered in the Committee on Environment and Energy, adopted and ordered printed:

AMENDMENT NO. 1
AMENDMENT NO. 1. Amend Senate Bill 2081 on page 1 by replacing lines 7 through 26 with the following:
"Sec. 16-111.3. Transition period earnings calculations. At such time as the Board of Governors of the Federal Reserve System ceases to include the monthly average yields of 30-year U.S. Treasury bonds in its weekly H.15 Statistical Release or successor publication, the Monthly Treasury Long-Term Average Rates (25 years and above) published by the Board of Governors of the Federal Reserve System in its weekly H.15 Statistical Release or successor publication shall instead be used to establish a rate for the purpose of calculating the Index defined in subsection (e) of Section 16-111 of this Act, and at such time, such Monthly Treasury Long-Term Average Rates (25 years and above) shall also be used in place of the

monthly average yields of 30-year U.S. Treasury bonds in the rate of return calculation required by subsection (d) of Section 16-111. An electric utility shall also remove the effects, if any, of the application of Statement of Financial Accounting Standards No. 142, which was issued in June 2001, when making the calculations required by this Section or by subsections (d) and (e) of Section 16-111.".

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Philip, **Senate Bill No. 2157** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **Senate Bill No. 2161** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Transportation, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 2161 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by adding Section 4-214.1 as follows:

(625 ILCS 5/4-214.1 new)

Sec. 4-214.1. Failure to pay fines, charges, and costs on an abandoned vehicle.

(a) Whenever any resident of this State fails to pay any fine, charge, or cost imposed for a violation of Section 4-201 of this Code, or a similar provision of a local ordinance, the clerk may notify the Secretary of State, on a report prescribed by the Secretary, and the Secretary shall prohibit the renewal, reissue, or reinstatement of the resident's driving privileges until the fine, charge, or cost has been paid in full. The clerk shall provide notice to the driver, at the driver's last known address as shown on the court's records, stating that the action will be effective on the 46th day following the date of the above notice if payment is not received in full by the court of venue.

(b) Following receipt of the report from the clerk, the Secretary of State shall make the proper notation to the driver's file to prohibit the renewal, reissue, or reinstatement of the driver's driving privileges. Except as provided in subsection (d) of this Section, the notation shall not be removed from the driver's record until the driver satisfies the outstanding fine, charge, or cost and an appropriate notice on a form prescribed by the Secretary is received by the Secretary from the court of venue, stating that the fine, charge, or cost has been paid in full. Upon payment in full of a fine, charge, or court cost which has previously been reported under this Section as unpaid, the clerk of the court shall present the driver with a signed receipt containing the seal of the court indicating that the fine, charge, or cost has been paid in full, and shall forward immediately to the Secretary of State a notice stating that the fine, charge, or cost has been paid in full.

(c) Notwithstanding the receipt of a report from the clerk as prescribed in subsection (a), nothing in this Section is intended to place any responsibility upon the Secretary of State to provide independent notice to the driver of any potential action to disallow the renewal, reissue, or reinstatement of the driver's driving privileges.

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(d) The Secretary of State shall renew, reissue, or reinstate a driver's driving privileges which were previously refused under this Section upon presentation of an original receipt which is signed by the clerk of the court and contains the seal of the court indicating that the fine, charge, or cost has been paid in full. The Secretary of State shall retain the receipt for his or her records.".

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Link, **Senate Bill No. 2164** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Transportation, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 2164 as follows:
on page 2, line 26, after the period, by inserting "This subsection (d-5) does not apply to any bus driver employed by a public transportation provider.".

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Roskam, **Senate Bill No. 2195** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Judiciary, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 2195 on page 1, by replacing line 8 with the following:

"(a) Responsibility of committed persons. For the purposes of this Section, "committed persons" mean those persons who through judicial determination have been placed in the custody of the Department on the basis of a conviction as an adult. Committed".

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Watson, **Senate Bill No. 2215** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, **Senate Bill No. 2235** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Environment and Energy, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 2235 on page 3, line 16 by changing "15" to "17"; and
by replacing lines 27 through 33 on page 3 and lines 1 through 13 on page 4 with the following:

"that serve more than 500,000 and fewer than 1,500,000 customers in this State;

(5) one member agreed upon by gas public utilities that

serve 1,500,000 or more customers in this State;

(6) one member designated by the Illinois Energy Association to represent combination gas and electric public utilities;

(7) one member agreed upon by the Illinois Municipal Electric Agency and the Association of Illinois Electric Cooperatives;

(8) one member agreed upon by the Illinois Industrial Energy Consumers;

(9) three members designated by the Department to represent low income energy consumers;

(10) two members designated by the Illinois Community Action Association to represent local agencies that assist in the administration of this Act;

(11) one member designated by the Citizens Utility Board to represent residential energy consumers;

(12) one member designated by the Illinois Retail Merchants Association to represent commercial energy customers; and

(13) one member designated by the Department to".

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Weaver, **Senate Bill No. 2273** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Weaver, **Senate Bill No. 2274** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Weaver, **Senate Bill No. 2275** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Weaver, **Senate Bill No. 2276** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Weaver, **Senate Bill No. 2277** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Weaver, **Senate Bill No. 2278** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Weaver, **Senate Bill No. 2279** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Weaver, **Senate Bill No. 2280** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Weaver, **Senate Bill No. 2281** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Weaver, **Senate Bill No. 2282** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Weaver, **Senate Bill No. 2283** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, **Senate Bill No. 2390** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, **Senate Bill No. 2391** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, **Senate Bill No. 2392** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, **Senate Bill No. 2393** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, **Senate Bill No. 2394** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, **Senate Bill No. 2395** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, **Senate Bill No. 2396** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, **Senate Bill No. 2397** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, **Senate Bill No. 2398** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, **Senate Bill No. 2399** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, **Senate Bill No. 2400** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, **Senate Bill No. 2401** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, **Senate Bill No. 2402** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, **Senate Bill No. 2403** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, **Senate Bill No. 2404** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, **Senate Bill No. 2405** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, **Senate Bill No. 2406** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, **Senate Bill No. 2407** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, **Senate Bill No. 2408** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, **Senate Bill No. 2409** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, **Senate Bill No. 2410** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, **Senate Bill No. 2411** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, **Senate Bill No. 2412** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, **Senate Bill No. 2413** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, **Senate Bill No. 2414** having been printed, was taken up, read by title a second time and ordered to a third reading.

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator W. Jones, **Senate Bill No. 1540**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 53; Nays None.

The following voted in the affirmative:

Bomke

Bowles
Burzynski
Clayborne
Cronin
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Munoz
Myers
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Roskam
Shadid
Sieben
Silverstein
Smith
Stone
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Woolard
Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Sieben, **Senate Bill No. 1542**, having been

transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 50; Nays 2.

The following voted in the affirmative:

Bomke
Clayborne
Cronin
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Roskam
Shadid
Sieben
Silverstein
Smith
Stone
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Woolard
Mr. President

The following voted in the negative:

Burzynski
Rauschenberger

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Dillard, **Senate Bill No. 1606**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 54; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cronin
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Roskam
Shadid
Sieben
Silverstein
Smith
Stone

Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Woolard
Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Sieben, **Senate Bill No. 1608**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 47; Nays 6.

The following voted in the affirmative:

Bomke
Bowles
Clayborne
Cronin
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lightford
Link
Luechtefeld
Madigan
Mahar
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Peterson
Petka
Radogno
Roskam
Shadid

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Sieben
Silverstein
Smith
Stone
Sullivan
Syverson
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Woolard
Mr. President

The following voted in the negative:

Burzynski
Halvorson
Lauzen
Parker
Rauschenberger
Welch

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).
Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Karpiel, **Senate Bill No. 1609**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.
And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 53; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cronin
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link

Luechtefeld
Madigan
Mahar
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Roskam
Shadid
Sieben
Silverstein
Smith
Stone
Sullivan
Syverson
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Woolard
Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Jacobs, **Senate Bill No. 1627**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 53; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cronin
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon

Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Munoz
Myers
Noland
Obama
O'Daniel
Parker
Peterson
Petka
Radogno
Rauschenberger
Roskam
Shadid
Sieben
Silverstein
Smith
Stone
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Woolard
Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Philip, **Senate Bill No. 1634**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 54; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cronin
DeLeo
del Valle

Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Roskam
Shadid
Sieben
Silverstein
Smith
Stone
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Woolard
Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Luechtefeld, **Senate Bill No. 1650**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 46; Nays 5.

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The following voted in the affirmative:

Bomke
Bowles
Clayborne
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lightford
Link
Luechtefeld
Madigan
Mahar
Munoz
Myers
Noland
Obama
O'Daniel
Parker
Peterson
Petka
Radogno
Roskam
Shadid
Sieben
Silverstein
Smith
Stone
Sullivan
Trotter
Viverito
Walsh, L.
Watson
Weaver
Woolard
Mr. President

The following voted in the negative:

Burzynski
Lauzen
Rauschenberger
Walsh, T.
Welch

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

[Mar. 7, 2002]

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Demuzio, **Senate Bill No. 1710**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 52; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cronin
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Madigan
Mahar
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Roskam
Shadid
Sieben
Silverstein
Smith
Stone
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver

Welch
Woolard
Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Smith, **Senate Bill No. 1794**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 52; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Clayborne
Cronin
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Roskam
Shadid
Sieben
Silverstein
Smith
Stone
Sullivan

Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Woolard
Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Peterson, **Senate Bill No. 1976**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 53; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cronin
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno

Rauschenberger
Roskam
Shadid
Sieben
Silverstein
Smith
Stone
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Woolard
Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Petka, **Senate Bill No. 1996**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 53; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cronin
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Munoz
Myers

Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Roskam
Shadid
Sieben
Silverstein
Smith
Stone
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Woolard
Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Donahue, **Senate Bill No. 2004**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 53; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cronin
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm

Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Roskam
Shadid
Sieben
Silverstein
Smith
Stone
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Woolard
Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 354

Offered by Senator Petka and all Senators:

Mourns the death of Herschel B. Stover of Oswego.

The foregoing resolution was referred to the Resolutions Consent Calendar.

Senator Noland offered the following Senate Joint Resolution, which was referred to the Committee on Rules:

SENATE JOINT RESOLUTION NO. 60

WHEREAS, The downsizing or closure of a State-operated facility for the developmentally disabled or mentally ill increases the State's reliance on private, community-based agencies; and

WHEREAS, The State must provide community placements for individuals affected by closures and downsizing of State-operated

facilities; and

WHEREAS, The State should provide proper resources for private, community-based agencies that support individuals who move from State institutions to community settings; therefore, be it

RESOLVED BY THE SENATE OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that there is created the Institutional Transition Oversight Task Force; and be it further

RESOLVED, That the Task Force shall consist of 2 members of the House of Representatives appointed by the Speaker, 2 members of the House appointed by the House Minority Leader, 2 members of the Senate appointed by the President, and 2 members of the Senate appointed by the Senate Minority Leader; the members of the Task Force shall elect one House member and one Senate member of the Task Force as co-chairpersons; and be it further

RESOLVED, That whenever a State-operated developmental disabilities center or State-operated mental health center is closed or downsized, the Task Force shall meet and report on the following within 120 days of the closing or downsizing:

(1) How many individuals were transferred to other State-operated institutions?

(2) How many individuals were placed in community settings?

(3) Were individuals at other State-operated institutions moved into community placements due to transfers from the closed or downsized institution?

(4) How much money was saved by the State by the downsizing or closure of the State-operated institution?

(5) Did adequate resources follow individuals from State-operated facilities into community placements? and

(6) Other information deemed appropriate by members of the Task Force; and be it further

RESOLVED, That the Task Force shall take oral and written testimony from consumers, advocates, families, community providers and the Department of Human Services; and be it further

RESOLVED, That the Task Force shall report its findings to the General Assembly, the Governor, and the Secretary of Human Services.

RESOLUTIONS CONSENT CALENDAR

SENATE RESOLUTION NO. 347

Offered by Senator Bomke and all Senators:
Mourns the death of William L. Cumby of Springfield.

SENATE RESOLUTION NO. 348

Offered by Senator Lauzen and all Senators:
Mourns the death of Gerald J. Streit of Aurora.

SENATE RESOLUTION NO. 349

Offered by Senator Lauzen and all Senators:
Mourns the death of Thomas F. Milnamow, Sr., of Elburn.

SENATE RESOLUTION NO. 350

Offered by Senator Lauzen and all Senators:
Mourns the death of Alpha Nina Berning, formerly of Deerfield.

SENATE RESOLUTION NO. 351

Offered by Senator Dillard and all Senators:
Mourns the death of Ronald Leversen.

SENATE RESOLUTION NO. 352
Offered by Senator Link and all Senators:
Mourns the death of Robert J. Filipowicz of Lake County.

SENATE RESOLUTION NO. 353
Offered by Senator Link and all Senators:
Mourns the death of Louis H. Bitto of Wildwood.

SENATE RESOLUTION NO. 354
Offered by Senator Petka and all Senators:
Mourns the death of Herschel B. Stover of Oswego.

Senator Dudycz moved the adoption of the foregoing resolutions.
The motion prevailed.
And the resolutions were adopted.

LEGISLATIVE MEASURES FILED

The following floor amendments to the Senate Bills listed below have been filed with the Secretary, and referred to the Committee on Rules:

Senate Amendment No. 1 to Senate Bill 1997
Senate Amendment No. 1 to Senate Bill 2098
Senate Amendment No. 1 to Senate Bill 2263
Senate Amendment No. 1 to Senate Bill 2265

At the hour of 11:34 o'clock a.m., on motion of Senator Noland, and pursuant to **Senate Joint Resolution No. 55,** the Senate stood adjourned until Wednesday, March 20, 2002 at 12:00 o'clock noon.